

2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK  
-----X

4 GREGORY BROOKS,

5 PLAINTIFF,

6 -against- Docket No.:  
7 1:17-cv-03626-PKC-LB

8 THE DOE FUND, INC., TERRY COOPER  
9 individually and in his official capacity,  
10 JAMES WASHINGTON individually and in his  
11 official capacity, and ANTHONY WIGGINS  
12 individually and in his official capacity,

13 DEFENDANTS.  
-----X

14 DATE: July 6, 2018

15 TIME: 9:27 A.M.

16 DEPOSITION of the Defendant, TERRY

17 COOPER, taken by the respective parties,  
18 pursuant to a Notice and to the Federal  
19 Rules of Civil Procedure, held at the  
20 offices of Lewis Brisbois Bisgaard & Smith,  
21 LLP, One Riverfront Plaza, Suite 800,  
22 Newark, New Jersey 07102, before Rosanne  
23 LeBoeuf, a Notary Public of the State of New  
24 Jersey.  
25

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2 FEDERAL STIPULATIONS

3  
4 IT IS HEREBY STIPULATED AND AGREED by  
5 and between the counsel for the respective  
6 parties herein that the sealing, filing and  
7 certification of the within deposition be  
8 waived; that the original of the deposition  
9 may be signed and sworn to by the witness  
10 before anyone authorized to administer an  
11 oath, with the same effect as if signed  
12 before a Judge of the Court; that an  
13 unsigned copy of the deposition may be used  
14 with the same force and effect as if signed  
15 by the witness, 30 days after service of the  
16 original & 1 copy of same upon counsel for  
17 the witness.  
18

19 IT IS FURTHER STIPULATED AND AGREED  
20 that all objections except as to form, are  
21 reserved to the time of trial.  
22

23 \* \* \* \* \*

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2 APPEARANCES:

3  
4 DEREK SMITH LAW GROUP, PLLC  
5 Attorneys for the Plaintiff  
6 GREGORY BROOKS  
7 1 Penn Plaza, Suite 4905  
8 New York, New York 10119  
9 BY: KELLY L. O'CONNELL, ESQ.

10 JACKSON LEWIS, P.C.  
11 Attorneys for the Defendants  
12 THE DOE FUND, INC. and JAMES WASHINGTON  
13 666 Third Avenue, 29th Floor  
14 New York, New York 10017  
15 BY: STEVEN J. SEIDENFELD, ESQ.

16 LEWIS BRISBOIS BISGAARD & SMITH, LLP  
17 Attorneys for the Defendant  
18 TERRY COOPER  
19 One Riverfront Plaza, Suite 800  
20 Newark, New Jersey 07102  
21 BY: BRADLEY J. BARTOLOMEO, ESQ.

22 \* \* \*

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4

1 T. COOPER

2 TERRY COOPER, called as a witness,  
3 having been first duly sworn by a Notary  
4 Public of the State of New Jersey, was  
5 examined and testified as follows:

6 EXAMINATION BY

7 MS. O'CONNELL:

8 Q. Please state your name for the  
9 record.

10 A. Terry Cooper.

11 Q. Where do you reside?

12 A. 18 Marshall Street, Apartment 3W,  
13 Irvington, New Jersey 07111.

14 Q. Thank you for coming in today.

15 A. Thank you for coming.

16 Q. I know you're going through some  
17 things today, but are you okay to testify?

18 A. Yes.

19 Q. Have you spoken with your attorney  
20 about procedures for taking deposition?

21 A. Yes.

22 Q. You understand that you've been  
23 placed under oath and have an obligation to  
24 testify truthfully today?

25 A. Yes.

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1 T. COOPER  
 2 Q. Do you understand that even though  
 3 we're in an informal conference room, your  
 4 testimony has the same effect as testifying  
 5 in court in front of a judge and jury?  
 6 A. Yes.  
 7 Q. Do you understand that the court  
 8 reporter can't transcribe responses that are  
 9 nonverbal, like nodding your head, shaking  
 10 your head and other inaudible responses?  
 11 A. Yes.  
 12 Q. Do you understand that you need to  
 13 wait for me to ask the complete question  
 14 before responding?  
 15 A. Yes.  
 16 Q. And if you don't understand that  
 17 I'm asking, you can simply ask me to  
 18 rephrase the question, we can get the  
 19 questions repeated, but I'm here to try to  
 20 help you understand the question; do you  
 21 understand that?  
 22 A. Yes.  
 23 Q. If, for some reason, there's an  
 24 earlier answer at any point that you want to  
 25 change or modify, you can just simply let me

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1 T. COOPER  
 2 A. I remember I don't remember.  
 3 MR. BARTOLOMEO: To the best of  
 4 your recollection.  
 5 Q. To the best of your recollection.  
 6 There may be questions today that you don't  
 7 understand or remember every single detail,  
 8 but if you just say to the best of your  
 9 recollection it's this or that.  
 10 A. We went over the entire complaint,  
 11 certain background information on myself.  
 12 I'm going to leave it at that. Yeah, it's  
 13 safe to say that.  
 14 Q. Could you state your full name?  
 15 A. Terry Cooper.  
 16 Q. You don't have a middle name?  
 17 A. No.  
 18 Q. Do you go by any other names?  
 19 A. No.  
 20 Q. Do you have any nicknames?  
 21 A. No.  
 22 Q. What's your date of birth?  
 23 A. 6/14/64.  
 24 Q. Are you presently married?  
 25 A. No.

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6  
 1 T. COOPER  
 2 know and we can go back to that point and we  
 3 can change your testimony or add whatever  
 4 sort of commentary you feel is necessary.  
 5 A. Yes.  
 6 Q. Are you on any sort of  
 7 medications?  
 8 A. No.  
 9 Q. And you haven't consumed any  
 10 alcohol recently?  
 11 A. No.  
 12 Q. And you haven't consumed any drugs  
 13 in the last few hours that would affect your  
 14 testimony?  
 15 A. No.  
 16 Q. Have you ever been deposed before?  
 17 A. Excuse me?  
 18 Q. Have you ever been deposed before?  
 19 A. No.  
 20 Q. Tell me what you did to get ready  
 21 for today's deposition.  
 22 A. I spoke with my attorney.  
 23 Q. Did you go over any documents?  
 24 A. Yes.  
 25 Q. What documents were those?

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8  
 1 T. COOPER  
 2 Q. Have you been --  
 3 A. Well, actually, yes. I'm  
 4 separated, but yes.  
 5 Q. What's the name of your spouse?  
 6 A. Joyce.  
 7 Q. Do you have any children?  
 8 A. Three.  
 9 Q. How old are they?  
 10 A. 33, 31 and 25.  
 11 Q. What are their names?  
 12 A. Danielle, Dominique and Demetrius.  
 13 Q. They all live in the New York City  
 14 and New Jersey area?  
 15 A. Yes.  
 16 Q. Have you ever been arrested  
 17 before?  
 18 A. Yes.  
 19 MR. BARTOLOMEO: If you don't  
 20 mind, I'm just going to mark this part  
 21 of the transcript as confidential.  
 22 MS. O'CONNELL: Is it a sealed  
 23 record?  
 24 MR. BARTOLOMEO: I thought we had  
 25 an existing confidentiality agreement.

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1 T. COOPER  
 2 MR. SEIDENFELD: There's a  
 3 protective order.  
 4 MR. BARTOLOMEO: And then when we  
 5 come off of this, we can go back.  
 6 (Whereupon, at 9:31 A.M., the  
 7 testimony was deemed confidential and  
 8 placed in a separate booklet.)  
 9 (Whereupon, at 9:37 A.M., the  
 10 non-confidential testimony resumed.)  
 11 Q. I'm going to talk about your  
 12 education. Can you give me some of your  
 13 background information, like where did you  
 14 start school?  
 15 MR. BARTOLOMEO: Just one second.  
 16 Do you want to go back on?  
 17 MS. O'CONNELL: Let's go back on.  
 18 MR. BARTOLOMEO: Sorry. Did you  
 19 understand the question, Terry?  
 20 THE WITNESS: No.  
 21 A. Could you repeat that, please.  
 22 MS. O'CONNELL: Could you read  
 23 back the question?  
 24 (Whereupon, the referred-to  
 25 question was read back by the

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1 T. COOPER  
 2 Q. Then after that?  
 3 A. I don't remember.  
 4 Q. About how old were you when you  
 5 were a public bus driver?  
 6 A. I started at 21.  
 7 Q. About how many years did you do  
 8 that?  
 9 A. Nine.  
 10 Q. Then, if I'm correct, when you  
 11 were about 30, do you remember where you  
 12 were working when you were around 30 after  
 13 the public bus system job?  
 14 MR. BARTOLOMEO: Objection. Go  
 15 ahead and answer.  
 16 A. I'm not sure.  
 17 Q. I know you don't remember the  
 18 exact last job you had after the public bus  
 19 driver position. Do you remember another  
 20 job that was soon after you were a bus  
 21 driver?  
 22 A. For several years I worked at  
 23 Overlook Hospital in Summit, New Jersey.  
 24 Q. What were you doing there?  
 25 A. I work in maintenance.

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10  
 1 T. COOPER  
 2 reporter.)  
 3 A. Yes. I completed my education in  
 4 the Newark public school system. I  
 5 graduated from Arts High School and I have  
 6 two years of college.  
 7 Q. You were in the Newark system for  
 8 grade school and high school?  
 9 A. Yes. I graduated from Newark Arts  
 10 High School performing arts school.  
 11 Q. Where did you go to college?  
 12 A. I started a Virginia State  
 13 University and then I went to Jersey City  
 14 State College.  
 15 Q. Did you graduate from any of those  
 16 institutions?  
 17 A. No.  
 18 Q. Why not?  
 19 A. I just never did.  
 20 Q. What did you do after college?  
 21 A. I worked several jobs.  
 22 Q. What was the first one that you  
 23 worked after college?  
 24 A. I was a public bus driver for New  
 25 Jersey Transit.

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12  
 1 T. COOPER  
 2 Q. Do you remember what the name of  
 3 your position was?  
 4 A. Maintenance.  
 5 Q. Were you a supervisor there?  
 6 A. No.  
 7 MR. BARTOLOMEO: Terry, just  
 8 remember. We don't want you to guess.  
 9 To the extent that you remember  
 10 something, tell her, but I don't think  
 11 she wants you to guess. You can  
 12 correct me if I'm wrong, but I don't  
 13 want you to guess.  
 14 MR. SEIDENFELD: We don't want you  
 15 to guess.  
 16 THE WITNESS: Okay.  
 17 A. No, I don't remember the title.  
 18 Q. Do you remember where you worked  
 19 after that one?  
 20 A. No.  
 21 Q. What's the next job that you  
 22 remember?  
 23 A. The Doe Fund.  
 24 Q. About when did you start there?  
 25 A. December 2008 -- 2007, excuse me.

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1 T. COOPER  
2 Q. So, this is a few years after you  
3 left prison for the burglary charge?  
4 A. Yes.  
5 Q. Do you remember what you did after  
6 you left prison for the burglary charge?  
7 A. After I left prison for the  
8 burglary charge, I was a trainee with The  
9 Doe Fund.  
10 Q. That would have been around 2006?  
11 A. No, actually it was 2007.  
12 Q. That you started as a trainee?  
13 A. As a trainee with The Doe Fund,  
14 yes.  
15 Q. That was the year that you left  
16 prison in New York?  
17 A. Yes.  
18 Q. In what location were you at?  
19 A. The Gates Avenue facility.  
20 Q. How long were you a trainee there?  
21 A. Seven months.  
22 Q. After you were a trainee for seven  
23 months, what happened then?  
24 A. They offered me employment.  
25 Q. Do you remember who offered you

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1 T. COOPER  
2 Q. What were your duties as a  
3 dispatch aide?  
4 MR. SEIDENFELD: Objection.  
5 MR. BARTOLOMEO: You can answer.  
6 A. As a dispatch aide, you pretty  
7 much just do the little things that the  
8 staff members would ask you to do; little  
9 paperwork, filing, some driving.  
10 Q. Did you also go out on the routes  
11 when you were working as a dispatcher?  
12 MR. SEIDENFELD: Objection.  
13 A. Yes, I did.  
14 MR. SEIDENFELD: Mr. Cooper, you  
15 can take a break whenever you need to  
16 as long as you answer the last  
17 question.  
18 THE WITNESS: Thank you.  
19 Q. I'm trying to get through this as  
20 fast as we can today. I know you have  
21 family matters that you need to attend to.  
22 We're going as fast as possible.  
23 A. I really appreciate that.  
24 Q. Were there other trainees working  
25 as dispatch aides along with you?

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14  
1 T. COOPER  
2 employment?  
3 A. No.  
4 Q. Was Mr. Washington there at the  
5 time?  
6 A. No, he wasn't.  
7 Q. Was it more like the system of The  
8 Doe Fund offered you employment or do you  
9 remember a specific person?  
10 MR. BARTOLOMEO: Objection. Go  
11 ahead and answer.  
12 MR. SEIDENFELD: Objection.  
13 A. It was a specific person. The  
14 dispatcher that was actually there at the  
15 time, the boss, Tina Haluska.  
16 Q. You think it was her?  
17 A. Yes.  
18 Q. Do you know it was her?  
19 A. Yes.  
20 Q. Do you know why she offered you  
21 employment?  
22 A. Actually as trainee I was working  
23 for her.  
24 Q. How were you working for her?  
25 A. As dispatch aide.

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16  
1 T. COOPER  
2 MR. SEIDENFELD: Objection.  
3 A. No.  
4 Q. Do you remember if there were  
5 other trainees that were trainees when you  
6 were a trainee that are now currently  
7 working with The Doe Fund?  
8 MR. BARTOLOMEO: Objection. Go  
9 ahead and answer.  
10 A. Yes.  
11 Q. Who were those people?  
12 A. Off the top, I can't really say.  
13 There are quite a few trainees that were  
14 trainees with me that went on to become  
15 staff members and are still staff members.  
16 Q. Some of those current staff  
17 members, are they staff members just at the  
18 Gates Ave. facility?  
19 A. No, throughout the organization.  
20 Q. They're all at different  
21 locations?  
22 A. Yes.  
23 Q. Would you say that's not unusual  
24 that trainees later become full-time staff  
25 members?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 A. It's very usual.  
 4 Q. If you can just take a guess at  
 5 the trainees that were training with you in  
 6 2007 that are now current staff today,  
 7 around how many would you say?  
 8 MR. BARTOLOMEO: Objection. I'm  
 9 going to instruct you not to guess. To  
 10 the best of your approximation, if you  
 11 can, please provide an answer but I  
 12 don't want you guessing.  
 13 Q. Or a range, like, between 20 and  
 14 40?  
 15 MR. BARTOLOMEO: To the extent  
 16 that you can approximate.  
 17 A. I'm not going to answer, because  
 18 it would be a guess.  
 19 MR. BARTOLOMEO: To the best of  
 20 your ability if you can provide any  
 21 answer, if not, then you can't.  
 22 A. Maybe 20. Maybe more.  
 23 Q. How many trainees were with you in  
 24 2007?  
 25 A. Wow. Out of the Gates Ave.

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection.  
 3 MR. SEIDENFELD: Objection.  
 4 MR. BARTOLOMEO: You can answer.  
 5 A. Yes.  
 6 Q. So, how many dispatchers were  
 7 there when you were promoted?  
 8 MR. SEIDENFELD: Objection.  
 9 MR. BARTOLOMEO: Objection. You  
 10 can answer.  
 11 A. Two.  
 12 Q. Do you remember around what date  
 13 you were promoted to, I guess, full-time  
 14 dispatcher?  
 15 MR. BARTOLOMEO: Objection. You  
 16 can answer.  
 17 MR. SEIDENFELD: Objection.  
 18 A. I don't remember.  
 19 Q. How did your duties change once  
 20 you were no longer a dispatch aide?  
 21 MR. SEIDENFELD: Objection.  
 22 A. It didn't change.  
 23 Q. Did you have, at that time then, a  
 24 dispatch aide underneath you?  
 25 MR. BARTOLOMEO: Objection.

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18

1 T. COOPER  
 2 facility alone it was maybe like 80 of us.  
 3 If I'm answering this question properly.  
 4 MR. BARTOLOMEO: If you don't  
 5 understand the question, Terry, please  
 6 just let her know.  
 7 Q. Just at the Gates Ave. facility.  
 8 I've never been there so I don't know how  
 9 many trainees you could contain in 2007.  
 10 MR. BARTOLOMEO: In 2007 she's  
 11 also talking about, when you were  
 12 there, versus now or the most recent.  
 13 Q. When you were there?  
 14 A. When I was there, it was about 80  
 15 trainees.  
 16 Q. I know we've been using the term  
 17 trainees. We're referring to the  
 18 individuals that are in the Ready, Willing &  
 19 Able program of The Doe Fund, right?  
 20 MR. BARTOLOMEO: Objection. You  
 21 can answer if you understand.  
 22 A. Yes.  
 23 Q. Then when you were promoted from  
 24 dispatch aide to full dispatch, was Tina  
 25 still working with you?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 MR. BARTOLOMEO: Go ahead and  
 4 answer.  
 5 A. Yes.  
 6 Q. And who was that?  
 7 A. I don't remember.  
 8 Q. Was that someone who was a trainee  
 9 in the Ready Willing & Able Program?  
 10 A. Yes.  
 11 Q. Do you remember if that person  
 12 then went on to become a dispatcher?  
 13 MR. SEIDENFELD: Objection.  
 14 A. I don't remember.  
 15 Q. Did you hold any other positions  
 16 with The Doe Fund besides dispatcher and  
 17 dispatcher aide?  
 18 MR. SEIDENFELD: Objection.  
 19 A. Yes.  
 20 Q. What positions were those?  
 21 A. I was a graduate service advisor  
 22 and a case manager.  
 23 Q. When did your position change from  
 24 dispatcher to some of these other positions?  
 25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
 2 A. I don't remember the exact dates.  
 3 Q. Do you remember around how long  
 4 you were working as a dispatcher before the  
 5 position changed?  
 6 MR. SEIDENFELD: Objection.  
 7 A. No.  
 8 Q. Can you give me approximation,  
 9 several months or several years for  
 10 instance?  
 11 A. I dispatched, I would say, maybe  
 12 two years. Then I went to graduate  
 13 services. Graduate services for about a  
 14 year, and then I went to case management.  
 15 Q. All these were at the Gates Ave.  
 16 location?  
 17 A. Yes.  
 18 Q. In those two years that you were a  
 19 dispatcher at Gates Avenue location, did  
 20 your duties or responsibilities change in  
 21 any way?  
 22 A. No.  
 23 Q. Then when you went on to working  
 24 graduate services, what were your duties  
 25 there?

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection.  
 3 MR. SEIDENFELD: Objection.  
 4 A. No.  
 5 Q. Then after working in graduate  
 6 services you went on to become case manager,  
 7 correct?  
 8 A. Yes.  
 9 Q. Do you remember around what year  
 10 that was?  
 11 A. No.  
 12 Q. What were your duties as case  
 13 manager?  
 14 MR. BARTOLOMEO: What was his  
 15 answer?  
 16 (Whereupon, the referred-to answer  
 17 was read back by the reporter.)  
 18 MR. SEIDENFELD: Could you speak  
 19 up?  
 20 THE WITNESS: I'll speak louder.  
 21 MS. O'CONNELL: Could you read  
 22 back the question?  
 23 (Whereupon, the referred-to  
 24 question was read back by the  
 25 reporter.)

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1 T. COOPER  
 2 A. To assist the graduates.  
 3 Q. Who are the graduates?  
 4 A. Graduates are trainees that have  
 5 completed the program.  
 6 Q. How would you assist them?  
 7 A. Various ways. Providing  
 8 information with housing. I can't really  
 9 say because I don't remember. Honest answer  
 10 is just assisting them.  
 11 Q. With employment too?  
 12 A. No, that's how they became  
 13 graduates. They were employed.  
 14 Q. Through The Doe Fund employment?  
 15 A. No. It could be through The Doe  
 16 Fund or it could be outside The Doe Fund,  
 17 just as long as they were employed.  
 18 Q. Did you supervise anyone when you  
 19 were working in graduate services?  
 20 MR. SEIDENFELD: Objection.  
 21 MR. BARTOLOMEO: Objection.  
 22 A. No.  
 23 Q. Going back a little bit when you  
 24 were a dispatcher, besides the dispatch  
 25 aide, did you supervise anyone else?

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1 T. COOPER  
 2 A. My duties were anything pertaining  
 3 to The Doe Fund, certain classes, making  
 4 sure that they comply with all Doe Fund  
 5 rules and regulations, help to reunite them  
 6 with their families, pretty much just be  
 7 there for them.  
 8 Q. About how long were you working as  
 9 a case manager?  
 10 A. Around three years.  
 11 Q. These three positions that we're  
 12 discussing, why did your position changed?  
 13 MR. SEIDENFELD: Objection.  
 14 MR. BARTOLOMEO: Objection. Go  
 15 ahead and answer it.  
 16 A. Well, from dispatch to graduate  
 17 services was a promotion. From graduate  
 18 services to case management was a promotion.  
 19 Q. After being a case manager, what  
 20 did you work after that?  
 21 A. I came back to dispatcher.  
 22 Q. Do you remember what year that  
 23 was?  
 24 A. At Gates Avenue. 2014.  
 25 Q. Where were you working as a case

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1 T. COOPER  
 2 manager?  
 3 A. I started at Gates Avenue and went  
 4 onto Porter Avenue.  
 5 Q. Why did your position change from  
 6 case manager at Porter to dispatcher at  
 7 Gates Avenue?  
 8 MR. SEIDENFELD: Objection.  
 9 MR. BARTOLOMEO: Objection.  
 10 A. Because I lost my job at Porter  
 11 Avenue and then a year later I was rehired  
 12 back at Gates Avenue as a dispatcher.  
 13 Q. Around when did you lose the job  
 14 at Porter?  
 15 A. I don't remember the dates.  
 16 Q. Was it in 2013?  
 17 A. I think so.  
 18 MR. BARTOLOMEO: Again, if you  
 19 don't know, you don't know.  
 20 THE WITNESS: I don't know.  
 21 Q. Could you tell me the  
 22 circumstances of why you lost the job at  
 23 Porter?  
 24 MR. SEIDENFELD: Objection.  
 25 MR. BARTOLOMEO: Objection. Go

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1 T. COOPER  
 2 ahead and answer.  
 3 A. I was not keeping up with my case  
 4 loads properly.  
 5 Q. How so?  
 6 A. I just wasn't keeping up with my  
 7 case loads properly. That's the best way to  
 8 answer that.  
 9 Q. Do you feel that was fair?  
 10 MR. SEIDENFELD: Objection.  
 11 A. Yes.  
 12 Q. Do you think there were any other  
 13 circumstances that created the situation  
 14 where you lost your job?  
 15 MR. BARTOLOMEO: Objection.  
 16 MR. SEIDENFELD: Objection.  
 17 MR. BARTOLOMEO: Go ahead and  
 18 answer.  
 19 A. No.  
 20 Q. Were you given any written  
 21 warnings?  
 22 A. Yes.  
 23 Q. Do you remember how many?  
 24 A. No.  
 25 Q. Was there more than one?

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1 T. COOPER  
 2 A. Yes.  
 3 Q. When you say you lost your job,  
 4 did they terminate you?  
 5 MR. SEIDENFELD: Objection.  
 6 A. Yes.  
 7 Q. Do you remember who terminated  
 8 you?  
 9 A. No.  
 10 Q. It wasn't someone in particular?  
 11 A. I'm just going to say HR.  
 12 MR. BARTOLOMEO: Terry, again, we  
 13 don't want you guessing.  
 14 MS. O'CONNELL: I think you made  
 15 that clear.  
 16 MR. BARTOLOMEO: I'm allowed to  
 17 speak to my client. If you want to  
 18 take a break and I'll speak to him  
 19 outside. Please don't guess.  
 20 A. I'm going to say no.  
 21 Q. Was there a time where you were  
 22 keeping up with your case notes before you  
 23 weren't keeping up with your case notes  
 24 again?  
 25 MR. SEIDENFELD: I'm sorry, I

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1 T. COOPER  
 2 didn't hear that.  
 3 MS. O'CONNELL: Could you read  
 4 that back?  
 5 (Whereupon, the referred-to  
 6 question was read back by the  
 7 reporter.)  
 8 A. Yes.  
 9 Q. When did it start to go downhill?  
 10 MR. SEIDENFELD: Objection.  
 11 A. I don't know.  
 12 Q. You can't think of any  
 13 circumstances why it went downhill?  
 14 MR. SEIDENFELD: Objection.  
 15 A. No.  
 16 Q. Was your workload increased?  
 17 A. I don't remember that.  
 18 Q. The written warnings you received  
 19 from The Doe Fund, do you remember the  
 20 nature of those written warnings?  
 21 MR. BARTOLOMEO: Objection.  
 22 MR. SEIDENFELD: Objection.  
 23 A. No.  
 24 Q. Do you remember what time of the  
 25 year you were terminated at the Porter Ave.

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1 T. COOPER  
 2 location?  
 3 A. No.  
 4 Q. Do you remember when you returned  
 5 back to the Gates Ave. location in 2014?  
 6 A. No, I don't remember the exact  
 7 date.  
 8 Q. Do you know roughly how many  
 9 months went by between the time you were  
 10 terminated and the time you got your job  
 11 back?  
 12 MR. BARTOLOMEO: Objection. Go  
 13 ahead and answer.  
 14 A. I don't remember.  
 15 Q. How did you get your job back?  
 16 MR. SEIDENFELD: Objection.  
 17 A. I applied.  
 18 Q. Through the normal application  
 19 route or a different way?  
 20 MR. SEIDENFELD: Objection.  
 21 A. Yes.  
 22 Q. How did you apply?  
 23 MR. SEIDENFELD: Objection.  
 24 Q. Was it online? Did you meet with  
 25 someone in person? What was the application

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection.  
 3 A. No, I would just say associates.  
 4 Q. Was returning to dispatch  
 5 essentially a demotion from being a case  
 6 manager?  
 7 MR. SEIDENFELD: Objection.  
 8 MR. BARTOLOMEO: Objection. Go  
 9 ahead and answer if you can.  
 10 A. I would say yes.  
 11 Q. Was the pay less as a dispatcher  
 12 than as a case --  
 13 A. Yes.  
 14 MR. BARTOLOMEO: I know it's tough  
 15 to do sometimes, Terry, but just let  
 16 her finish the question before you  
 17 answer, even if you know what she's  
 18 going to ask because the court reporter  
 19 can't take down two people talking at  
 20 the same time.  
 21 THE WITNESS: Excuse me.  
 22 MR. BARTOLOMEO: That's fine.  
 23 It's very natural. We all do it.  
 24 Q. When you were a dispatcher in  
 25 2014, do you remember what you were paid?

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1 T. COOPER  
 2 process?  
 3 MR. BARTOLOMEO: Objection. Go  
 4 ahead and answer.  
 5 A. I don't remember.  
 6 Q. Do you remember who you met for  
 7 the interviews?  
 8 A. No.  
 9 Q. Did you have any connection at the  
 10 Gates Ave. location that made it easier to  
 11 get a job there?  
 12 MR. SEIDENFELD: Objection.  
 13 MR. BARTOLOMEO: Objection.  
 14 A. No.  
 15 Q. Did you still know people at the  
 16 Gates Ave. location in 2014?  
 17 MR. SEIDENFELD: Objection.  
 18 MR. BARTOLOMEO: Objection.  
 19 A. Yes.  
 20 Q. Who did you know there?  
 21 A. Everybody.  
 22 Q. Would you say you were friends  
 23 with some of those people?  
 24 A. We were associates.  
 25 Q. Not friends?

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1 T. COOPER  
 2 A. No.  
 3 Q. Was it above minimum wage?  
 4 MR. BARTOLOMEO: Objection.  
 5 A. Yes.  
 6 Q. Do you know, in general I guess,  
 7 the pay discrepancy between the case manager  
 8 position and the 2014 dispatcher position?  
 9 MR. BARTOLOMEO: Objection.  
 10 MR. SEIDENFELD: Objection.  
 11 A. No.  
 12 Q. When you were a dispatcher the  
 13 first time around 2007, were you ever  
 14 disciplined?  
 15 MR. BARTOLOMEO: Objection.  
 16 MR. SEIDENFELD: Objection.  
 17 A. No.  
 18 Q. You don't remember being  
 19 disciplined at all?  
 20 MR. BARTOLOMEO: Objection.  
 21 MR. SEIDENFELD: Objection.  
 22 A. No.  
 23 Q. When you were working in graduate  
 24 services, were you disciplined in that  
 25 position?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 A. Yes.  
 4 Q. What do you remember about that?  
 5 A. I signed documents that I should  
 6 not have.  
 7 Q. That was the only thing?  
 8 A. Yes.  
 9 Q. Did you receive a written warning  
 10 for that?  
 11 MR. SEIDENFELD: Objection.  
 12 A. Yes.  
 13 Q. Was there only one written warning  
 14 at that time?  
 15 MR. SEIDENFELD: Objection.  
 16 A. Yes.  
 17 Q. When you were a case manager at  
 18 Gates, did you receive any written warnings?  
 19 A. No.  
 20 Q. Did you receive any discipline?  
 21 MR. SEIDENFELD: Objection.  
 22 A. No.  
 23 Q. When you were a case manager at  
 24 Porter, did you receive any written  
 25 warnings?

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1 T. COOPER  
 2 A. Yes.  
 3 Q. How many do you remember?  
 4 A. I don't remember.  
 5 Q. Was it more than two at Porter?  
 6 A. I don't remember.  
 7 Q. Did you receive any discipline at  
 8 Porter other than the termination?  
 9 MR. SEIDENFELD: Objection.  
 10 A. No.  
 11 Q. Do you remember the name of your  
 12 old supervisor at the Porter Ave. location?  
 13 MR. SEIDENFELD: Objection.  
 14 A. William Glenn.  
 15 MR. SEIDENFELD: It's not clear  
 16 for which role.  
 17 MS. O'CONNELL: When he was a case  
 18 manager. That's the only position he  
 19 worked at at Porter.  
 20 Q. Right?  
 21 A. William Glenn.  
 22 Q. What was his job title?  
 23 A. He was the director of the RWA  
 24 program.  
 25 MS. O'CONNELL: We're going to

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1 T. COOPER  
 2 take a five-minute break.  
 3 (Whereupon, at 10:12 A.M., a brief  
 4 recess was taken.)  
 5 Q. Were you ever involved, while you  
 6 were at The Doe Fund, in allegations of  
 7 discrimination against you?  
 8 MR. SEIDENFELD: Objection.  
 9 MR. BARTOLOMEO: Objection.  
 10 A. No.  
 11 Q. While you were at The Doe Fund,  
 12 were you involved in allegations of sexual  
 13 harassment made against you?  
 14 MR. SEIDENFELD: Objection.  
 15 MR. BARTOLOMEO: Objection.  
 16 A. Yes.  
 17 Q. Besides the allegations my client  
 18 brought, what were the other allegations?  
 19 MR. SEIDENFELD: Objection.  
 20 MR. BARTOLOMEO: Objection.  
 21 A. There was a client that made an  
 22 accusation that I had touched him.  
 23 Q. Was this at the Porter Ave.  
 24 location?  
 25 A. Yes, it was.

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1 T. COOPER  
 2 Q. When you say "a client," you were  
 3 his --  
 4 A. A trainee. Excuse me.  
 5 Q. You were his case manager?  
 6 A. No, I wasn't.  
 7 Q. But he was still your client?  
 8 MR. BARTOLOMEO: Objection.  
 9 Q. He was a Doe Fund client?  
 10 A. He was assigned to another case  
 11 manager, but he was a trainee.  
 12 Q. So, you weren't supervising that  
 13 trainee?  
 14 MR. SEIDENFELD: Objection.  
 15 MR. BARTOLOMEO: Objection.  
 16 A. No, I wasn't.  
 17 Q. About how many case managers are  
 18 at the Porter Ave. location?  
 19 MR. SEIDENFELD: Objection.  
 20 MR. BARTOLOMEO: Objection. Go  
 21 ahead and answer. Before you answer,  
 22 are you talking about now, back in the  
 23 time he was there?  
 24 MS. O'CONNELL: In 2013.  
 25 A. When I actually sat in that

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1 T. COOPER  
 2 office, there was 10 case managers.  
 3 Q. What was the nature of this  
 4 trainee's complaint?  
 5 MR. BARTOLOMEO: Objection. Go  
 6 ahead and answer.  
 7 A. I don't understand what you're  
 8 asking me.  
 9 Q. You said this trainee made an  
 10 allegation of sexual harassment against you.  
 11 What did he say?  
 12 MR. SEIDENFELD: Objection.  
 13 A. It was said to me that the trainee  
 14 said that I touched him.  
 15 Q. That's all you knew?  
 16 MR. BARTOLOMEO: Objection.  
 17 MR. SEIDENFELD: Objection.  
 18 A. Yes.  
 19 Q. When it was said this person said  
 20 you touched him, did you know that meant  
 21 sexually or what did you take that to mean?  
 22 MR. SEIDENFELD: Objection.  
 23 A. It was said to me that I touched  
 24 him in a sexual manner.  
 25 Q. Why do you think he would say

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1 T. COOPER  
 2 that?  
 3 MR. SEIDENFELD: Objection.  
 4 MR. BARTOLOMEO: Objection.  
 5 A. I can't really say, but the  
 6 trainee was under the influence and I  
 7 believe that had a lot to do with it.  
 8 Q. Why do you mean when you say  
 9 "under the influence"?  
 10 A. He was under the influence of  
 11 Spice.  
 12 Q. What's Spice?  
 13 A. It's a -- to my understanding,  
 14 it's a bootleg marijuana.  
 15 Q. Have you seen other people under  
 16 the influence of Spice before?  
 17 MR. SEIDENFELD: Objection.  
 18 A. Yes, I have.  
 19 Q. Where did you see that?  
 20 A. At the facilities and in the  
 21 public, in the streets in general.  
 22 Q. What does it look like when  
 23 someone is under the influence of Spice?  
 24 MR. BARTOLOMEO: Objection. You  
 25 can answer.

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1 T. COOPER  
 2 A. They look crazy.  
 3 Q. In what way?  
 4 A. Their eyes, their whole -- they  
 5 just look a little shot out, spaced out.  
 6 It's the best way to describe it, to me.  
 7 They look scary.  
 8 Q. Scary?  
 9 A. Yes.  
 10 Q. Like in a way, that they're going  
 11 to harm someone?  
 12 A. It could be --  
 13 MR. SEIDENFELD: Objection.  
 14 A. -- taken that way.  
 15 Q. Would you say how people look on  
 16 spice can vary?  
 17 MR. SEIDENFELD: Objection.  
 18 A. Yes, I guess you can.  
 19 Q. Were you able to substantiate that  
 20 this person was under the influence of  
 21 Spice?  
 22 MR. SEIDENFELD: Objection.  
 23 MR. BARTOLOMEO: Objection.  
 24 A. No.  
 25 Q. What made you think that he was on

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1 T. COOPER  
 2 Spice?  
 3 MR. SEIDENFELD: Objection.  
 4 A. As I stated, the way the trainee  
 5 looked and the way he was acting.  
 6 Q. Was this at night or in the  
 7 morning? When was this that you saw him on  
 8 Spice?  
 9 MR. SEIDENFELD: Objection.  
 10 MR. BARTOLOMEO: Objection.  
 11 A. I'm not really sure. It's been a  
 12 while.  
 13 Q. Do you remember this person's  
 14 name?  
 15 MR. SEIDENFELD: Objection.  
 16 A. No.  
 17 Q. Do you remember what he looked  
 18 like?  
 19 A. No. It's been years.  
 20 MR. SEIDENFELD: Objection.  
 21 Q. Do you know his race?  
 22 MR. SEIDENFELD: Objection.  
 23 A. I know he was black.  
 24 MR. SEIDENFELD: To the extent  
 25 that Mr. Cooper is talking about any

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1 T. COOPER  
 2 identifying information about this  
 3 individual, that's a matter before the  
 4 court currently and in dispute and I  
 5 want to mark it confidential.  
 6 MS. O'CONNELL: There's no other  
 7 identifying information because he  
 8 doesn't know the name and I doubt he  
 9 knows the Social Security number.  
 10 MR. SEIDENFELD: Well, to the  
 11 extent of whatever he knows, whatever  
 12 he says, I want it marked confidential.  
 13 Q. Do you remember if this individual  
 14 was tall or short?  
 15 A. No.  
 16 Q. Do you remember if he was  
 17 around -- an approximation of his age?  
 18 MR. SEIDENFELD: Objection.  
 19 A. I'm not safe to say, no.  
 20 Q. Do you remember what my client  
 21 looked like?  
 22 A. Yes.  
 23 Q. Would you say that my client and  
 24 this other individual had visual  
 25 similarities?

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1 T. COOPER  
 2 A. Of the facility, the Porter Ave.  
 3 facility.  
 4 Q. Do you remember his name?  
 5 A. At that time it was Thomas Perry.  
 6 Q. What did Thomas tell you?  
 7 A. I can't quote, but he says that a  
 8 trainee said that I touched him and he  
 9 called the police and that I had to go speak  
 10 to a detective. I went and spoke with the  
 11 detective and that was that.  
 12 Q. Do you remember any aspects of an  
 13 investigation that the Doe Fund made?  
 14 MR. SEIDENFELD: Objection.  
 15 A. I don't know.  
 16 Q. Did you speak with anyone  
 17 regarding the 2013 sexual harassment  
 18 complaint besides Thomas?  
 19 MR. SEIDENFELD: Objection.  
 20 A. I don't remember.  
 21 Q. Do you remember if you were  
 22 interviewed by anyone other than the  
 23 detective?  
 24 MR. SEIDENFELD: Objection.  
 25 A. I don't remember.

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection.  
 3 MR. SEIDENFELD: Objection.  
 4 A. I can't say.  
 5 Q. Would you say that they are about  
 6 the same height?  
 7 MR. SEIDENFELD: Objection.  
 8 MR. BARTOLOMEO: Objection.  
 9 A. I can't say.  
 10 Q. Would you say that they're about  
 11 the same build?  
 12 MR. SEIDENFELD: Objection.  
 13 MR. BARTOLOMEO: Objection.  
 14 A. I cannot say.  
 15 Q. Who told you that this person made  
 16 a complaint of sexual harassment against  
 17 you?  
 18 MR. SEIDENFELD: Objection.  
 19 MR. BARTOLOMEO: Objection. Go  
 20 ahead and answer.  
 21 A. My supervisor.  
 22 Q. So, William --  
 23 A. No, actually -- excuse me -- the  
 24 director of the program at the time told me.  
 25 Q. Of the whole Doe Fund program?

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1 T. COOPER  
 2 Q. Do you remember the outcome of the  
 3 investigation?  
 4 MR. SEIDENFELD: Objection.  
 5 A. Nothing else was said to me.  
 6 Q. Did you ever see this person again  
 7 after that made the allegations against you?  
 8 A. Yes.  
 9 Q. When did you see him?  
 10 A. He was still at the facility.  
 11 Q. They did not move him?  
 12 MR. SEIDENFELD: Objection.  
 13 A. Not immediately.  
 14 Q. When did they move him?  
 15 MR. SEIDENFELD: Objection.  
 16 A. I can't say.  
 17 Q. Do you remember if they moved him?  
 18 A. I can't say.  
 19 Q. Did they change anything regarding  
 20 your duties or position after this?  
 21 MR. SEIDENFELD: Objection.  
 22 A. No.  
 23 Q. Do you remember if you were  
 24 written up for this allegation?  
 25 MR. BARTOLOMEO: Objection.

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1 T. COOPER  
 2 A. Not for the allegation itself.  
 3 Q. Why do you say that?  
 4 A. I was written up because I didn't  
 5 follow protocol. Okay. Like I said to you  
 6 earlier, he was under -- he looked as if he  
 7 was under the influence. When a trainee is  
 8 under the influence and a staff member  
 9 notices that, we're supposed to make that  
 10 trainee stay in the observation room. I did  
 11 not do that. That's why I was disciplined,  
 12 because I didn't do what I was supposed to  
 13 do as a staff member when I recognized that.  
 14 Q. Have you recognized someone under  
 15 the influence in the past?  
 16 MR. SEIDENFELD: Objection.  
 17 A. No.  
 18 Q. Was this the first time that you  
 19 would have needed to do something?  
 20 A. Yes.  
 21 Q. Were you well informed of the  
 22 policy?  
 23 A. Yes.  
 24 Q. Why didn't you place him in the  
 25 observation room?

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1 T. COOPER  
 2 A. I don't know.  
 3 Q. Do you remember where you saw him?  
 4 A. No.  
 5 Q. Because you didn't place him in  
 6 the observation room, was that something  
 7 that was on your permanent record?  
 8 MR. SEIDENFELD: Objection.  
 9 MR. BARTOLOMEO: Objection. Go  
 10 ahead and answer.  
 11 A. I don't know.  
 12 Q. Besides that instance, before  
 13 then, were you warned about touching people  
 14 in the workplace?  
 15 MR. SEIDENFELD: Objection.  
 16 MR. BARTOLOMEO: Objection.  
 17 A. No.  
 18 MR. BARTOLOMEO: Off the record.  
 19 (Whereupon an off-the-record  
 20 discussion was held.)  
 21 MS. O'CONNELL: Let's mark this  
 22 TC-1.  
 23 (Whereupon, a 2013 Incident Report  
 24 was marked as Plaintiff's Exhibit TC-1  
 25 for identification as of this date by

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1 T. COOPER  
 2 the Reporter.)  
 3 Q. I've handed you what's been marked  
 4 as TC Exhibit 1, which is Bates Stamped  
 5 TDF181 through 182.  
 6 Do you recall ever seeing this  
 7 document?  
 8 A. Yes.  
 9 Q. What is it?  
 10 MR. SEIDENFELD: Objection.  
 11 A. Incident report.  
 12 Q. Do you recall seeing this exact  
 13 same incident report or simply incident  
 14 reports like it?  
 15 MR. SEIDENFELD: Objection.  
 16 A. Repeat that?  
 17 Q. Do you recall seeing this exact  
 18 incident report?  
 19 A. Yes.  
 20 Q. Where did you see it?  
 21 A. Actually when it was written and a  
 22 copy was given to me.  
 23 Q. Do you recall who created this  
 24 incident report?  
 25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection.  
 3 A. Yes, Ms. Bromfield.  
 4 Q. Who is she?  
 5 A. She was, and I say was because  
 6 she's no longer there, like an associate  
 7 director of the facility.  
 8 Q. Of Porter Ave.?  
 9 A. Yes.  
 10 Q. Was this created on the date the  
 11 complaint was made against you?  
 12 MR. SEIDENFELD: Objection.  
 13 MR. BARTOLOMEO: Objection.  
 14 A. I don't know.  
 15 Q. Was the person making the  
 16 complaint in the same room when this was  
 17 being created?  
 18 MR. SEIDENFELD: Objection.  
 19 A. No.  
 20 Q. Actually, there's another version  
 21 of this that's printed, so you could read  
 22 the handwriting.  
 23 At the time you received this  
 24 document, you read it and went over it with  
 25 Ms. Bromfield, right?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 A. Yes.  
 4 Q. What were your thoughts at the  
 5 time that she presented you with this?  
 6 MR. SEIDENFELD: Objection.  
 7 A. I thought it was -- can I speak  
 8 freely?  
 9 Q. Yes, speak freely.  
 10 A. I thought it was bullshit.  
 11 Q. Why?  
 12 A. Because how could someone accuse  
 13 me of something like that. That's how I  
 14 felt, okay? So, yeah. It was a bunch of  
 15 nonsense to me.  
 16 Q. Did you feel it was a  
 17 misunderstanding?  
 18 MR. SEIDENFELD: Objection.  
 19 MR. BARTOLOMEO: Objection.  
 20 A. Yes.  
 21 Q. Why do you think that?  
 22 A. I felt that way because why would  
 23 someone think I was doing what he said I was  
 24 doing.  
 25 Q. And no one has ever said anything

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1 T. COOPER  
 2 like that to you before?  
 3 MR. BARTOLOMEO: Objection.  
 4 A. No.  
 5 Q. At the time, were you afraid that  
 6 you were going to be terminated?  
 7 MR. BARTOLOMEO: Objection.  
 8 A. No.  
 9 Q. Why not?  
 10 A. Because I didn't do anything.  
 11 Q. But the allegations were very  
 12 severe. You didn't fear you were going to  
 13 be terminated at the time?  
 14 MR. SEIDENFELD: Objection.  
 15 MR. BARTOLOMEO: Objection. Go  
 16 ahead and answer.  
 17 A. No, I didn't.  
 18 Q. Did you feel The Doe Fund also  
 19 believed you didn't do this?  
 20 MR. SEIDENFELD: Objection.  
 21 MR. BARTOLOMEO: Objection.  
 22 A. Honestly, yes. I felt that they  
 23 believed that.  
 24 Q. Why did you think that?  
 25 A. Because my work and my reputation

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1 T. COOPER  
 2 spoke for itself.  
 3 Q. Did they, to your knowledge, do a  
 4 complete investigation into the incident?  
 5 MR. SEIDENFELD: Objection.  
 6 MR. BARTOLOMEO: Objection.  
 7 A. I don't know.  
 8 Q. When you met with Ms. Bromfield,  
 9 did it seem that she was on your side when  
 10 it came to the allegations and took your  
 11 viewpoints?  
 12 MR. SEIDENFELD: Objection.  
 13 MR. BARTOLOMEO: Objection.  
 14 A. I don't know.  
 15 MS. O'CONNELL: Let's mark this  
 16 Exhibit 2.  
 17 (Whereupon, a Typed incident  
 18 report was marked as Plaintiff's  
 19 Exhibit TC-2 for identification as of  
 20 this date by the Reporter.)  
 21 Q. I've just handed you TC Exhibit 2.  
 22 MR. SEIDENFELD: Do you have a  
 23 copy?  
 24 MS. O'CONNELL: Here you go.  
 25 Q. It's Bates Stamped TDF186 through

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1 T. COOPER  
 2 187. Do you recall seeing this document  
 3 before?  
 4 MR. SEIDENFELD: Objection.  
 5 MR. BARTOLOMEO: Objection, and  
 6 you're permitted and entitled to review  
 7 the document before answering any  
 8 questions about it, and to the extent  
 9 that you reviewed it, when we've spoken  
 10 versus previously, go ahead and make  
 11 that distinction.  
 12 A. It looks like the same thing I  
 13 just read.  
 14 Q. Do you recall seeing this exact  
 15 same document before or just the handwritten  
 16 incident report?  
 17 MR. SEIDENFELD: Objection.  
 18 Q. I want you to take a moment --  
 19 COURT REPORTER: Did you answer  
 20 that question? I'm sorry.  
 21 THE WITNESS: No, I didn't.  
 22 Q. Take a moment to go through the  
 23 document, if you haven't already.  
 24 A. I don't recall. This looks like  
 25 the same document I just read. I'm have not

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1 T. COOPER  
 2 seen it like this, but it seems like the  
 3 same thing I just read.  
 4 MR. BARTOLOMEO: Just answer her  
 5 question. Have you seen this  
 6 particular document?  
 7 A. No.  
 8 Q. Is there anything in this report  
 9 that you agreed happened? I know you're not  
 10 going to agree to everything, but is there  
 11 anything that you remember that did happen?  
 12 MR. BARTOLOMEO: Objection, and  
 13 now's the time to read this entire  
 14 thing before you make a statement.  
 15 Q. As you're reading it, if there's  
 16 something you want me to know, you can do  
 17 that too.  
 18 MR. BARTOLOMEO: Objection.  
 19 You're entitled to read it first.  
 20 A. I don't agree with any of this.  
 21 Q. Did you go to the trainee's room  
 22 that day?  
 23 MR. SEIDENFELD: Objection.  
 24 MR. BARTOLOMEO: Objection. Go  
 25 ahead and answer.

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1 T. COOPER  
 2 A. I went to the trainee's room, yes.  
 3 Q. Did you have any sort of dialogue  
 4 with the trainee?  
 5 A. There was a paper on the floor.  
 6 The paper was picked up. It was laying next  
 7 to trainee's bed. So, I just laid it --  
 8 dropped it right on the trainee. That was  
 9 the end of that.  
 10 Q. Do you remember why you went to  
 11 the trainee's room?  
 12 A. Because I had noticed the trainee  
 13 when he came in the building and he didn't  
 14 look right.  
 15 Q. About how much time passed between  
 16 him entering the building and you going to  
 17 his room?  
 18 A. I can't say. I don't know.  
 19 Q. Did you follow him to his room?  
 20 A. No.  
 21 Q. Was there like an hour between the  
 22 time he went to the room?  
 23 MR. SEIDENFELD: Objection.  
 24 MR. BARTOLOMEO: Objection.  
 25 A. I can't say.

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1 T. COOPER  
 2 Q. Was the trainee in his bed when  
 3 you entered the room?  
 4 A. He was lying across his bed.  
 5 Q. Do you remember if he was face up  
 6 or face down or on his side?  
 7 MR. SEIDENFELD: Objection.  
 8 MR. BARTOLOMEO: Objection.  
 9 A. Face up.  
 10 Q. Was there anyone else in the room?  
 11 A. Yes.  
 12 Q. What do you remember about the  
 13 other person?  
 14 MR. SEIDENFELD: Objection.  
 15 A. As far as?  
 16 Q. Did you talk to the other person  
 17 too? Did you know the other person?  
 18 MR. SEIDENFELD: Objection.  
 19 MR. BARTOLOMEO: Objection.  
 20 A. I don't remember if I had a  
 21 conversation with the other person, but yes.  
 22 I knew the other person. The other person  
 23 was my client, my trainee.  
 24 Q. So, you were that person,  
 25 Mr. Santana's case manager?

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1 T. COOPER  
 2 A. Yes.  
 3 Q. Did you have a cordial  
 4 relationship with Mr. Santana?  
 5 MR. SEIDENFELD: Objection.  
 6 MR. BARTOLOMEO: Objection.  
 7 A. Could you be a little more  
 8 specific, please?  
 9 Q. Did you have a bad  
 10 client/supervisor relationship with  
 11 Mr. Santana?  
 12 MR. SEIDENFELD: Objection.  
 13 MR. BARTOLOMEO: Objection.  
 14 A. We just had a case manager/trainee  
 15 relationship. That's it.  
 16 Q. You got along okay, there was no  
 17 animosity against you?  
 18 MR. BARTOLOMEO: Objection.  
 19 A. Just fine.  
 20 Q. About how long were you  
 21 Mr. Santana's case manager?  
 22 A. His duration with the program.  
 23 Q. Did he graduate?  
 24 A. I don't remember. I don't know.  
 25 Q. Did he become employed with the

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1 T. COOPER  
2 Doe Fund afterwards?  
3 MR. BARTOLOMEO: Objection.  
4 MR. SEIDENFELD: Objection.  
5 A. I don't remember.  
6 Q. Do case managers normally go to  
7 trainees' bedrooms?  
8 MR. SEIDENFELD: Objection.  
9 MR. BARTOLOMEO: Objection.  
10 A. If they have to.  
11 Q. What are the circumstances that  
12 they would have to?  
13 MR. SEIDENFELD: Objection.  
14 A. If they need to speak with their  
15 client and there's not a security available  
16 to get them for them. If they're doing  
17 actual room checks, then yes, they would go  
18 to the rooms.  
19 Q. But you weren't doing room checks  
20 that day, right?  
21 MR. SEIDENFELD: Objection.  
22 MR. BARTOLOMEO: Objection. Go  
23 ahead and answer.  
24 A. No, I wasn't.  
25 Q. Do you know who John Wu is?

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1 T. COOPER  
2 Q. When you had the interaction with  
3 Santana, do you remember handing him a piece  
4 of paper?  
5 A. No.  
6 Q. Do you remember touching his  
7 chest?  
8 MR. BARTOLOMEO: Objection.  
9 A. No.  
10 Q. Do you agree with the statement  
11 that you are a touchy, feely person?  
12 MR. BARTOLOMEO: Objection. Go  
13 ahead and answer.  
14 A. Yes.  
15 Q. Why is that?  
16 A. Over my entire life, my  
17 50-something years being here, I have a  
18 tendency, when I talk, I use my hands and  
19 sometimes that's not good, because people  
20 take it the wrong way. I don't know if you  
21 guys notice, but as I'm talking right now I  
22 keep holding my hands. So, yes.  
23 Q. When you say you talk with your  
24 hands, can you tell me more about that?  
25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
2 A. Yes. Mr. Wu was in charge of  
3 security.  
4 Q. Do you know who Amy Sternhel is?  
5 A. Yes. I don't know if she was a  
6 nurse or a doctor.  
7 Q. And she was on the premise of  
8 Porter?  
9 A. Yes.  
10 Q. You said you remember speaking to  
11 detectives about this incident?  
12 MR. SEIDENFELD: Objection.  
13 A. Yes.  
14 Q. What do you remember about that?  
15 MR. BARTOLOMEO: Objection. Go  
16 ahead and answer.  
17 A. I just remember going to the  
18 office and speaking with a young lady. I  
19 don't remember the questions that were asked  
20 or anything. I just remember that it  
21 happened.  
22 Q. Did they speak to you about your  
23 interaction with Santana that night too?  
24 A. As I said, I don't remember.  
25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
2 MR. BARTOLOMEO: Objection.  
3 A. Maybe that's just an expression I  
4 use when I say that, but I move my hands a  
5 lot. I'll be talking to you, like that.  
6 That's the best way I can describe what I'm  
7 trying to say.  
8 MS. O'CONNELL: Let the record  
9 reflect that Mr. Cooper touched his  
10 attorney's hand and then upper arm near  
11 the shoulder.  
12 MR. SEIDENFELD: Objection.  
13 MR. BARTOLOMEO: Objection to the  
14 characterization.  
15 Q. Would you agree that you just  
16 touched your attorney's hand?  
17 MR. SEIDENFELD: Objection.  
18 MR. BARTOLOMEO: Objection.  
19 A. Yes, I will.  
20 Q. What would you call touching the  
21 arm part; the shoulder or the arm?  
22 A. Say that again?  
23 Q. When you touched your attorney's  
24 shoulder or arm, how would up characterize  
25 touching his upper arm?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 MR. BARTOLOMEO: Objection. Where  
 4 else did you touch me?  
 5 A. His arm and his hand.  
 6 Q. When you speak to other people,  
 7 sometimes you do that; is that so?  
 8 MR. SEIDENFELD: Objection.  
 9 MR. BARTOLOMEO: Objection.  
 10 A. Yes. I've been known to do that,  
 11 yes.  
 12 Q. You've been known to do that at  
 13 the workplace too?  
 14 MR. BARTOLOMEO: Objection.  
 15 MR. SEIDENFELD: Objection.  
 16 A. Yes.  
 17 Q. Have you ever received any written  
 18 warnings for that conduct?  
 19 MR. SEIDENFELD: Objection.  
 20 MR. BARTOLOMEO: Objection. Go  
 21 ahead and answer.  
 22 A. No. No.  
 23 Q. Have supervisors seen you do that?  
 24 MR. SEIDENFELD: Objection.  
 25 A. Yes.

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1 T. COOPER  
 2 Q. And you engaged in that conduct  
 3 with supervisors of The Doe Fund too?  
 4 MR. SEIDENFELD: Objection.  
 5 A. Yes, I have.  
 6 Q. Have any supervisors told you not  
 7 to do that?  
 8 MR. SEIDENFELD: Objection.  
 9 A. Yes.  
 10 Q. About how many times has that  
 11 happened?  
 12 MR. BARTOLOMEO: Objection.  
 13 MR. SEIDENFELD: Objection.  
 14 A. I can't answer that. I don't  
 15 know.  
 16 Q. More than once?  
 17 A. Yes to that.  
 18 Q. More than five times?  
 19 MR. SEIDENFELD: Objection.  
 20 MR. BARTOLOMEO: Objection.  
 21 A. I'll just say more than once.  
 22 Q. Did they tell you that before this  
 23 complaint was made of sexual harassment in  
 24 2013?  
 25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
 2 A. I don't know.  
 3 Q. Did they tell you that after this  
 4 complaint of sexual harassment was made in  
 5 2013?  
 6 MR. SEIDENFELD: Objection.  
 7 MR. BARTOLOMEO: Objection.  
 8 A. I don't know.  
 9 Q. Do you remember Santana telling  
 10 you, around that time, that he didn't like  
 11 to be touched by men?  
 12 A. No, I don't.  
 13 Q. Do you remember any persons, while  
 14 working at The Doe Fund, they don't like to  
 15 be touched by men?  
 16 MR. SEIDENFELD: Objection.  
 17 A. No, I do not.  
 18 Q. Do you remember any persons, when  
 19 working at The Doe Fund, that told you not  
 20 to touch them?  
 21 MR. SEIDENFELD: Objection.  
 22 MR. BARTOLOMEO: Objection.  
 23 A. No, I don't.  
 24 Q. How would you describe your  
 25 sexuality?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 MR. BARTOLOMEO: Objection as  
 4 well.  
 5 A. I wouldn't.  
 6 Q. You wouldn't describe it?  
 7 A. No.  
 8 Q. In a sexual way, do you like  
 9 women?  
 10 MR. BARTOLOMEO: Objection.  
 11 A. Are you asking me my sexuality?  
 12 Q. Yes.  
 13 A. Okay. I'm only laughing because  
 14 of what I was getting ready to say. Excuse  
 15 me. Scratch that. Bisexual.  
 16 Q. Have you always been bisexual?  
 17 A. Yes.  
 18 Q. Would you say that people around  
 19 you know that you're bisexual?  
 20 MR. SEIDENFELD: Objection.  
 21 MR. BARTOLOMEO: Objection.  
 22 A. I would not say.  
 23 Q. Did Santana, your trainee when at  
 24 the Porter location, know that you were  
 25 bisexual at the time?

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection. To  
 3 the extent you understand and know what  
 4 Santana thought, you can answer.  
 5 A. I'm going to say no. It's my  
 6 business at the workplace. It's none of  
 7 their business.  
 8 Q. What is your understanding of  
 9 Mr. Santana's sexuality?  
 10 MR. SEIDENFELD: Objection.  
 11 MR. BARTOLOMEO: Objection.  
 12 A. I have none.  
 13 Q. When you were working at The Doe  
 14 Fund, did anyone know that you were  
 15 bisexual?  
 16 MR. SEIDENFELD: Objection.  
 17 MR. BARTOLOMEO: Objection.  
 18 A. I don't know.  
 19 Q. Do you know if anyone assumed you  
 20 were gay?  
 21 MR. SEIDENFELD: Objection.  
 22 MR. BARTOLOMEO: Objection.  
 23 A. I don't know.  
 24 Q. Would it surprise you if someone  
 25 thought that you were gay?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 MR. BARTOLOMEO: Objection.  
 4 A. Again, I don't know.  
 5 Q. Would it surprise you if someone  
 6 that you were working with at The Doe Fund  
 7 thought you were bisexual?  
 8 MR. SEIDENFELD: Objection.  
 9 MR. BARTOLOMEO: Objection.  
 10 A. Again, I don't know.  
 11 MS. O'CONNELL: Mark this TC-3.  
 12 (Whereupon, an Investigative  
 13 report was marked as Plaintiff's  
 14 Exhibit TC-3 for identification as of  
 15 this date by the Reporter.)  
 16 Q. I handed you what's been marked as  
 17 TC Exhibit 3, Bates Stamped TDF191 through  
 18 193.  
 19 Do you recall seeing this  
 20 document?  
 21 A. No, I don't.  
 22 Q. Does this document, and take your  
 23 time to look through it, but does it refresh  
 24 your recollection about the investigation  
 25 into the 2003 allegation of sexual

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1 T. COOPER  
 2 harassment made against you?  
 3 MR. SEIDENFELD: Objection.  
 4 MR. BARTOLOMEO: Objection.  
 5 Have you had a chance to review  
 6 the document?  
 7 THE WITNESS: Yes.  
 8 Q. Does it refresh your recollection  
 9 about the interview or investigation in  
 10 2013?  
 11 MR. SEIDENFELD: Objection.  
 12 A. Yes.  
 13 Q. Was there anyone else present  
 14 besides the individuals listed at the top?  
 15 MR. BARTOLOMEO: Objection.  
 16 A. No.  
 17 Q. What was the tone of the meeting  
 18 when you met with Perry, Bromfield and Glenn  
 19 that day?  
 20 MR. SEIDENFELD: Objection.  
 21 MR. BARTOLOMEO: Objection.  
 22 You're asking independent recollection  
 23 or what he has now reviewed?  
 24 Q. Your recollection?  
 25 A. I don't remember.

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1 T. COOPER  
 2 Q. The person making the allegations,  
 3 was he in the room with you or did he appear  
 4 at any time?  
 5 MR. SEIDENFELD: Objection.  
 6 A. I don't remember.  
 7 Q. Did you have any previous history  
 8 with the person making the allegations  
 9 against you?  
 10 MR. SEIDENFELD: Objection.  
 11 A. No.  
 12 Q. You didn't have any negative  
 13 history?  
 14 MR. SEIDENFELD: Objection.  
 15 A. None.  
 16 Q. If you could turn to the second  
 17 page where it says five; do you see that?  
 18 A. Yes.  
 19 Q. It say, "Terry was questioned  
 20 about any supervisory interventions  
 21 regarding his hands on/off style of  
 22 communication." Do you remember them  
 23 discussing that?  
 24 A. No, I don't remember this.  
 25 Q. Do you know what they mean by

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1 T. COOPER  
2 hands on/off style of communication?  
3 MR. SEIDENFELD: Objection.  
4 A. I'm going to say no. I don't  
5 remember.  
6 Q. Does it have to do with you  
7 talking with your hands?  
8 MR. SEIDENFELD: Objection.  
9 MR. BARTOLOMEO: Objection.  
10 A. I don't remember.  
11 MR. BARTOLOMEO: You're trying to  
12 understand what his understanding of  
13 what they meant was or are you asking  
14 what they understood?  
15 Q. What do you understand it to mean?  
16 MR. SEIDENFELD: Objection.  
17 A. I don't remember what I understood  
18 it to mean at that time. I'm just going to  
19 say I don't know.  
20 Q. What do you understand it to mean  
21 now?  
22 A. Now, I would say it means as far  
23 as the way I talk with my hands.  
24 Q. Do you recall William Glenn  
25 addressing you talking with your hands?

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1 T. COOPER  
2 chest, is touching someone on the chest in  
3 the workplace sexual harassment?  
4 MR. SEIDENFELD: Objection.  
5 MR. BARTOLOMEO: Objection.  
6 A. I don't know.  
7 Q. Can you understand how it would  
8 make someone feel uncomfortable if another  
9 man touched them on the chest?  
10 MR. SEIDENFELD: Objection.  
11 MR. BARTOLOMEO: Objection.  
12 A. I don't know.  
13 Q. If a man touched you on the chest,  
14 would you feel uncomfortable?  
15 MR. SEIDENFELD: Objection.  
16 MR. BARTOLOMEO: Objection.  
17 A. I don't know.  
18 MR. BARTOLOMEO: Do you mind if we  
19 take a quick break?  
20 MS. O'CONNELL: Okay.  
21 (Whereupon, at 11:17 A.M., a brief  
22 recess was taken.)  
23 MS. O'CONNELL: What was the last  
24 question?  
25 (Whereupon, the referred-to

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1 T. COOPER  
2 MR. SEIDENFELD: Objection.  
3 MR. BARTOLOMEO: Objection.  
4 A. No, I don't remember this.  
5 Q. Do you recall Donna Harris  
6 addressing your communication style of  
7 talking with your hands?  
8 MR. BARTOLOMEO: Objection.  
9 MR. SEIDENFELD: Objection.  
10 A. No, I don't.  
11 Q. If your supervisors made  
12 complaints about your communication style,  
13 would that be in your file or some sort of  
14 permanent record?  
15 MR. SEIDENFELD: Objection.  
16 MR. BARTOLOMEO: Objection.  
17 A. I don't know.  
18 Q. Does The Doe Fund have a different  
19 policy for oral warnings versus written  
20 warnings?  
21 MR. SEIDENFELD: Objection.  
22 MR. BARTOLOMEO: Objection.  
23 A. I don't know.  
24 Q. Going back to Santana's complaint  
25 where he stated that you touched him on the

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1 T. COOPER  
2 question and answer were read back by  
3 the reporter.)  
4 Q. And again, you don't remember  
5 anything else that really happened after you  
6 were interviewed?  
7 MR. SEIDENFELD: Objection.  
8 MR. BARTOLOMEO: Objection.  
9 A. No.  
10 Q. You said that you saw the person  
11 who made allegations against you on several  
12 occasions after your interview, right?  
13 MR. SEIDENFELD: Objection.  
14 MR. BARTOLOMEO: Objection.  
15 A. Yes.  
16 Q. Do you know if this person  
17 graduated or were they terminated from the  
18 program?  
19 MR. SEIDENFELD: Objection.  
20 MR. BARTOLOMEO: Objection.  
21 A. I don't know.  
22 Q. You don't know what happened to  
23 them?  
24 A. No.  
25 Q. Just one day you did not see that

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1 T. COOPER  
 2 person again?  
 3 MR. SEIDENFELD: Objection.  
 4 A. Yes.  
 5 Q. Did they give you any sort of  
 6 instructions about minimizing contact with  
 7 that person?  
 8 MR. SEIDENFELD: Objection.  
 9 A. Not to my knowledge.  
 10 Q. From what you recall, you were  
 11 only instructed how to handle individuals  
 12 that appeared to be under the influence?  
 13 MR. SEIDENFELD: Objection.  
 14 MR. BARTOLOMEO: Objection.  
 15 Q. Or did you receive any other  
 16 instructions besides how to handle  
 17 individuals that were under the influence?  
 18 MR. SEIDENFELD: Objection.  
 19 MR. BARTOLOMEO: Objection.  
 20 A. I not following the question.  
 21 Q. After the allegations were made  
 22 against you, did The Doe Fund give you any  
 23 sort of instructions about how to change  
 24 your conduct after these were made against  
 25 you?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 MR. BARTOLOMEO: Objection. Go  
 4 ahead and answer.  
 5 A. I don't know. I don't remember.  
 6 I don't know.  
 7 Q. About how soon after these  
 8 allegations were made were you terminated?  
 9 MR. SEIDENFELD: Objection.  
 10 MR. BARTOLOMEO: Objection.  
 11 A. I don't know, but mind you this  
 12 has nothing to do with me being terminated,  
 13 these allegations.  
 14 Q. Nevertheless, was it a month after  
 15 you were terminated?  
 16 MR. BARTOLOMEO: Objection.  
 17 A. I have no idea.  
 18 Q. How can you be so sure that the  
 19 2013 allegation had nothing to do with your  
 20 termination?  
 21 MR. SEIDENFELD: Objection.  
 22 MR. BARTOLOMEO: Objection.  
 23 A. Because I know why I was  
 24 terminated.  
 25 Q. Is there anything else, other than

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1 T. COOPER  
 2 what you've told me today, that has to do  
 3 with your termination in 2013?  
 4 MR. BARTOLOMEO: Objection.  
 5 A. No.  
 6 Q. After the 2013 allegations were  
 7 made against you, did you feel any prejudice  
 8 coming from other Doe Fund employees?  
 9 MR. SEIDENFELD: Objection.  
 10 MR. BARTOLOMEO: Objection.  
 11 A. No.  
 12 Q. Do you feel The Doe Fund  
 13 mishandled its investigation in 2013?  
 14 MR. SEIDENFELD: Objection.  
 15 MR. BARTOLOMEO: Objection.  
 16 A. No.  
 17 Q. When you worked with The Doe Fund,  
 18 did you see anyone else that was an employee  
 19 of The Doe Fund talk with their hands?  
 20 MR. SEIDENFELD: Objection.  
 21 MR. BARTOLOMEO: Objection.  
 22 A. I don't know.  
 23 Q. You don't recall seeing anyone?  
 24 A. That's nothing I pay attention to.  
 25 Q. Do you recall any instances where

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1 T. COOPER  
 2 a Doe Fund employee engaged in sexual  
 3 harassment?  
 4 MR. SEIDENFELD: Objection.  
 5 MR. BARTOLOMEO: Objection.  
 6 A. No. I don't know.  
 7 Q. Do you recall any allegations,  
 8 other than the ones we're talking about  
 9 today, that were made against other Doe Fund  
 10 employees?  
 11 MR. SEIDENFELD: Objection.  
 12 MR. BARTOLOMEO: Objection.  
 13 A. I don't know.  
 14 Q. Has anyone sexually harassed you  
 15 at the workplace while you were working at  
 16 the Doe Fund?  
 17 MR. SEIDENFELD: Objection.  
 18 A. No.  
 19 Q. Has anyone made any comments that  
 20 made you feel uncomfortable that were sexual  
 21 in nature?  
 22 A. No.  
 23 Q. Has anyone touched you  
 24 inappropriately when you were at the Doe  
 25 Fund?

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1 T. COOPER  
2 A. No.  
3 Q. While you worked at the Doe Fund,  
4 were you ever romantically involved with an  
5 employee?  
6 MR. SEIDENFELD: Objection.  
7 MR. BARTOLOMEO: Objection.  
8 A. No.  
9 Q. Were you ever romantically  
10 involved with a trainee at The Doe Fund?  
11 MR. SEIDENFELD: Objection.  
12 MR. BARTOLOMEO: Objection.  
13 A. No.  
14 Q. Were you ever sexually involved  
15 with an employee at The Doe Fund?  
16 MR. SEIDENFELD: Objection.  
17 MR. BARTOLOMEO: Objection.  
18 A. No.  
19 Q. Were you ever sexually involved as  
20 a trainee at any Doe Fund location?  
21 MR. SEIDENFELD: Objection.  
22 MR. BARTOLOMEO: Objection.  
23 A. No.  
24 Q. Have you ever attempted to become  
25 romantic or sexually involved with an

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1 T. COOPER  
2 you received, did they look like this?  
3 MR. SEIDENFELD: Objection.  
4 MR. BARTOLOMEO: Objection.  
5 A. Yes.  
6 Q. Do you have copies of those still?  
7 A. No.  
8 Q. Have you ever seen your personal  
9 record?  
10 MR. SEIDENFELD: Objection.  
11 A. Repeat that?  
12 Q. Have you ever seen your personal  
13 record?  
14 A. No.  
15 Q. Do you know if you had one while  
16 you were at The Doe Fund?  
17 A. No.  
18 Q. Do you know how records on the  
19 employees are kept?  
20 MR. SEIDENFELD: Objection.  
21 A. No.  
22 Q. At any time while you were an  
23 employee of The Doe Fund, did you hear any  
24 gossip or rumors about you?  
25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
2 employee at The Doe Fund?  
3 MR. SEIDENFELD: Objection.  
4 MR. BARTOLOMEO: Objection.  
5 A. No.  
6 MS. O'CONNELL: Let's mark this  
7 Exhibit 4.  
8 (Whereupon, a 7/2013 written  
9 warning was marked as Plaintiff's  
10 Exhibit TC-4 for identification as of  
11 this date by the Reporter.)  
12 Q. I'm handing you what's been marked  
13 as TC Exhibit 4 Bates Stamped TDF194. Do  
14 you recognize this document?  
15 A. Yes.  
16 Q. What is it?  
17 A. Excuse me?  
18 Q. What is it?  
19 A. It's a warning that I received.  
20 Q. And it's just for the failing to  
21 put the person who made complaint against  
22 you into the observation area, right?  
23 MR. SEIDENFELD: Objection.  
24 A. Yes.  
25 Q. The other written warnings that

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1 T. COOPER  
2 MR. BARTOLOMEO: Objection.  
3 A. No.  
4 Q. Nothing of that nature?  
5 MR. SEIDENFELD: Objection.  
6 MR. BARTOLOMEO: Objection.  
7 A. No.  
8 Q. Would you say you like to make  
9 jokes while you're working?  
10 A. Be more specific.  
11 Q. When you're working at The Doe  
12 Fund, would you occasionally make jokes?  
13 MR. SEIDENFELD: Objection.  
14 A. Yes.  
15 Q. Did those around you think that  
16 you were funny?  
17 MR. SEIDENFELD: Objection.  
18 MR. BARTOLOMEO: Objection.  
19 A. I don't know.  
20 Q. Did they laugh at you?  
21 MR. SEIDENFELD: Objection.  
22 A. Yes. If I made a joke and it was  
23 funny, yes.  
24 MS. O'CONNELL: You can take that  
25 if you need to.

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1 T. COOPER  
2 THE WITNESS: Yes, please.  
3 MS. O'CONNELL: Let's take a  
4 break.  
5 (Whereupon, at 11:49 A.M., a brief  
6 recess was taken.)  
7 Q. Do you recall any instances when  
8 employees didn't think your jokes at work  
9 were funny?  
10 A. I don't know.  
11 Q. Do you recall any instance where  
12 any trainee at The Doe Fund didn't think  
13 that your comments were funny?  
14 A. I don't know.  
15 Q. Do you believe that any of your  
16 comments that you made at the workplace were  
17 sexual harassment?  
18 MR. SEIDENFELD: Objection.  
19 A. I don't know.  
20 Q. When you returned to The Doe Fund  
21 in 2014 to work as a dispatcher, do you  
22 believe that you violated any terms of The  
23 Doe Fund's employment policy?  
24 MR. SEIDENFELD: Objection.  
25 MR. BARTOLOMEO: Objection.

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1 T. COOPER  
2 MR. SEIDENFELD: Objection.  
3 MR. BARTOLOMEO: Objection.  
4 A. No, I did not.  
5 Q. What is your understanding of The  
6 Doe Fund's sexual harassment policy?  
7 MR. SEIDENFELD: Objection.  
8 A. I have none.  
9 Q. You don't understand it?  
10 MR. BARTOLOMEO: Objection.  
11 Q. What do you mean?  
12 A. I don't remember their policy. I  
13 don't know.  
14 MS. O'CONNELL: Let's mark this  
15 Exhibit 5.  
16 (Whereupon, an Employee Handbook  
17 was marked as Plaintiff's Exhibit TC-5  
18 for identification as of this date by  
19 the Reporter.)  
20 Q. I've handed you what's been marked  
21 as TC Exhibit 5 Bates Stamped TDF195 through  
22 197. Do you recognize this document?  
23 A. No, I don't.  
24 MR. BARTOLOMEO: Make sure you  
25 look through the whole thing before you

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1 T. COOPER  
2 A. I don't know what you mean.  
3 Q. For instance, do you feel that you  
4 engaged in any conduct that would be a  
5 violation of The Doe Fund's discrimination  
6 policy?  
7 MR. SEIDENFELD: Objection.  
8 MR. BARTOLOMEO: Objection.  
9 A. No.  
10 Q. You don't believe, after you  
11 returned to The Doe Fund in 2014, that you  
12 engaged in any conduct that would be, I  
13 guess, classified as sexual harassment?  
14 MR. SEIDENFELD: Objection.  
15 MR. BARTOLOMEO: Objection.  
16 A. No.  
17 Q. Did you behave differently around  
18 Doe Fund supervisors than non-supervisors  
19 when you worked at The Doe Fund?  
20 MR. SEIDENFELD: Objection.  
21 MR. BARTOLOMEO: Objection.  
22 A. No.  
23 Q. Did you behave differently around  
24 supervisors than you did around residents of  
25 The Doe Fund?

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1 T. COOPER  
2 answer any questions.  
3 Q. Did you have some time to go over  
4 the document?  
5 A. Yes.  
6 Q. Do you recall what this document  
7 is now?  
8 A. Yes, I do.  
9 Q. Do you recall seeing it any other  
10 time besides today?  
11 A. I think when I was hired. I'm not  
12 sure.  
13 Q. You think you may have seen this  
14 when you were hired back in 2007?  
15 MR. SEIDENFELD: Objection.  
16 MR. BARTOLOMEO: Objection.  
17 A. I'm not sure if 2007 or when I was  
18 rehired, but I believe this was part of  
19 the -- when you get hired, you know, you go  
20 over all of the paperwork. I believe this  
21 was one of them.  
22 Q. Do you recall signing that you  
23 received an employee handbook?  
24 A. No, I don't.  
25 Q. Do you recall signing any Doe Fund

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1 T. COOPER  
 2 documentation about receiving employee  
 3 policies?  
 4 MR. SEIDENFELD: Objection.  
 5 A. No, I don't.  
 6 Q. You don't recall or you know you  
 7 didn't do it?  
 8 A. I don't recall.  
 9 Q. When you were going through the  
 10 document, did it refresh your recollection  
 11 about what The Doe Fund's sexual harassment  
 12 policy was?  
 13 MR. SEIDENFELD: Objection.  
 14 A. No.  
 15 Q. So, going through it didn't make  
 16 you remember what you understood at the time  
 17 when you were a Doe Fund employee?  
 18 A. No.  
 19 Q. Do you recall having any training  
 20 while a Doe Fund employee on sexual  
 21 harassment?  
 22 A. No.  
 23 Q. No, you didn't receive training?  
 24 A. I don't remember.  
 25 Q. Do you know if The Doe Fund had

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1 T. COOPER  
 2 any training period on sexual harassment?  
 3 MR. SEIDENFELD: Objection.  
 4 MR. BARTOLOMEO: Objection.  
 5 A. I don't remember.  
 6 Q. Did you receive any other type of  
 7 training concerning employment  
 8 discrimination while you worked at The Doe  
 9 Fund?  
 10 MR. SEIDENFELD: Objection.  
 11 A. I don't know.  
 12 Q. What's your understanding of what  
 13 sexual harassment is?  
 14 MR. SEIDENFELD: Objection.  
 15 MR. BARTOLOMEO: Objection. Go  
 16 ahead and answer.  
 17 A. I can't even begin to describe it.  
 18 I don't know. It's weird. I don't know.  
 19 Q. Your version of it is completely  
 20 fine. I'm trying to understand what you  
 21 understand.  
 22 A. I understand that.  
 23 MR. BARTOLOMEO: To the best of  
 24 your ability if you can describe what  
 25 you understand sexual harassment to be,

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1 T. COOPER  
 2 please do so.  
 3 A. Any type of sexual advance that's  
 4 not welcomed, whether it be verbal,  
 5 physical. That's what I would consider  
 6 sexual harassment.  
 7 Q. And what is your understanding of  
 8 a zero tolerance for sexual harassment as it  
 9 is noted in The Doe Fund's employee  
 10 handbook?  
 11 MR. SEIDENFELD: Objection.  
 12 MR. BARTOLOMEO: Objection.  
 13 There's no foundation. You can answer  
 14 him does he have an understanding.  
 15 A. I don't know.  
 16 Q. You worked at The Doe Fund for  
 17 quite some time. Do you recall other  
 18 employees being terminated?  
 19 MR. SEIDENFELD: Objection.  
 20 MR. BARTOLOMEO: Objection.  
 21 A. Have I known of someone else being  
 22 terminated, is that what you're asking me?  
 23 Q. Yes, at The Doe Fund?  
 24 A. Yes.  
 25 Q. These people that were terminated,

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1 T. COOPER  
 2 what were some of the things that they were  
 3 terminated for?  
 4 MR. SEIDENFELD: Objection.  
 5 MR. BARTOLOMEO: Objection.  
 6 A. I don't know.  
 7 Q. Do you recall anyone working at  
 8 The Doe Fund being terminated for  
 9 non-performance-based issues?  
 10 MR. SEIDENFELD: Objection.  
 11 MR. BARTOLOMEO: Objection.  
 12 A. I don't know.  
 13 Q. Do you recall any Doe Fund  
 14 employees using foul language at the  
 15 workplace?  
 16 MR. SEIDENFELD: Objection.  
 17 MR. BARTOLOMEO: Objection.  
 18 A. Using what?  
 19 Q. Foul language?  
 20 MR. SEIDENFELD: Objection.  
 21 Q. Cursing?  
 22 A. I don't know.  
 23 Q. Would it surprise you if other  
 24 employees were swearing at the workplace?  
 25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection.  
 3 A. No.  
 4 Q. Why not?  
 5 A. I just -- I mean I don't know why  
 6 it wouldn't surprise me. We're grown  
 7 people. Grown people curse.  
 8 Q. Can you repeat yourself?  
 9 A. Grown people curse. Adults. It  
 10 wouldn't surprise me to hear any adult curse  
 11 anywhere.  
 12 Q. At the workplace?  
 13 A. At the workplace, in a grocery,  
 14 anywhere.  
 15 Q. Including The Doe Fund?  
 16 MR. SEIDENFELD: Objection.  
 17 A. Anywhere, yes.  
 18 Q. Would it surprise you if  
 19 supervisors were using obscene language like  
 20 that?  
 21 MR. SEIDENFELD: Objection.  
 22 A. It would not surprise me if anyone  
 23 used that type of language.  
 24 Q. In the employee handbook it says  
 25 that foul and obscene language is prohibited

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1 T. COOPER  
 2 by the policy, but you're saying it wouldn't  
 3 surprise you to hear it. Does that mean  
 4 that The Doe Fund doesn't enforce strictly  
 5 their policies?  
 6 MR. SEIDENFELD: Objection.  
 7 MR. BARTOLOMEO: Objection.  
 8 MR. SEIDENFELD: We're giving you  
 9 a lot of latitude.  
 10 MS. O'CONNELL: He doesn't  
 11 remember anything.  
 12 MR. BARTOLOMEO: He just testified  
 13 that he doesn't recall people ever  
 14 cursing. So, you're asking would it  
 15 surprise you that they don't enforce  
 16 their policies, he just testified he  
 17 doesn't recall anybody cursing. So,  
 18 you're making an assumption based on  
 19 testimony he didn't give. It's  
 20 actually contrary to the testimony he  
 21 gave.  
 22 MS. O'CONNELL: He didn't say he  
 23 never heard it, he said he doesn't  
 24 remember.  
 25 MR. BARTOLOMEO: He doesn't

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1 T. COOPER  
 2 recall.  
 3 MS. O'CONNELL: He doesn't recall  
 4 anything.  
 5 MR. BARTOLOMEO: You're now saying  
 6 and assuming that people are doing it  
 7 and then asking a question based on an  
 8 assumption that's you're making about  
 9 enforcement of policies.  
 10 MR. SEIDENFELD: That he knows  
 11 nothing about.  
 12 MR. BARTOLOMEO: Go ahead and ask  
 13 the question. If you don't mind  
 14 reading it back. Go ahead and answer  
 15 to the best of your ability this  
 16 question that's based on complete  
 17 speculation and conjecture.  
 18 Q. Does The Doe Fund strictly enforce  
 19 their policies?  
 20 MR. SEIDENFELD: Objection.  
 21 A. I don't know. I'm sorry, I don't  
 22 know.  
 23 Q. Would you agree that The Doe Fund  
 24 strictly enforces their policies?  
 25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection.  
 3 A. Really, again, I don't know one  
 4 way or the other. Who am I to say.  
 5 Q. When you were an employee of The  
 6 Doe Fund, were you aware of the complaint  
 7 process?  
 8 MR. SEIDENFELD: Objection.  
 9 Q. Were you aware of the complaint  
 10 process for sexual harassment when you were  
 11 an employee of The Doe Fund?  
 12 MR. SEIDENFELD: Objection.  
 13 A. No.  
 14 Q. Were you aware of the complaint  
 15 process for discrimination when you were an  
 16 employee of The Doe Fund?  
 17 MR. SEIDENFELD: Objection.  
 18 A. No.  
 19 Q. Were you aware that comments that  
 20 included sexual innuendos was prohibited by  
 21 The Doe Fund?  
 22 MR. SEIDENFELD: Objection.  
 23 MR. BARTOLOMEO: Objection.  
 24 A. No.  
 25 Q. When you were a manager at The Doe

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1 T. COOPER  
 2 Fund, were you aware of your obligations if  
 3 you were told of potential sexual harassment  
 4 at the workplace?  
 5 MR. BARTOLOMEO: Objection.  
 6 You're now calling him a manager. He's  
 7 not here to correct each and every one  
 8 of your question of things that he  
 9 hasn't testified to. If you want to  
 10 ask him were you ever a manager at The  
 11 Doe Fund, go right ahead and ask him.  
 12 You haven't asked him that. He's never  
 13 stated he's a manager. Please, I'm not  
 14 trying to be difficult, but ask him  
 15 these questions before you start making  
 16 these assumptions.  
 17 MS. O'CONNELL: I think your point  
 18 is made.  
 19 MR. BARTOLOMEO: Okay, then if I  
 20 made my point, then let's not continue  
 21 to do it.  
 22 MR. SEIDENFELD: Could you read  
 23 back the question?  
 24 MR. BARTOLOMEO: Please read it  
 25 back and if you can answer the

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1 T. COOPER  
 2 Pretty much that's all I did. Pretty much  
 3 that was that. I made sure trainees got to  
 4 and from their designated assignments and  
 5 gave them their schedules.  
 6 Q. Did you help arrange their  
 7 schedules?  
 8 MR. BARTOLOMEO: Objection.  
 9 A. Yes.  
 10 Q. You would help them change their  
 11 schedules, right?  
 12 MR. SEIDENFELD: Objection.  
 13 A. Yes.  
 14 Q. You would help them change the  
 15 routes that they were on if they were on  
 16 cleanup, right?  
 17 MR. SEIDENFELD: Objection.  
 18 A. I'm going to say yes.  
 19 Q. Would you say that the trainees  
 20 were essentially below you because you were  
 21 a dispatcher?  
 22 MR. SEIDENFELD: Objection.  
 23 MR. BARTOLOMEO: Objection.  
 24 A. No. Who am I to say that? No.  
 25 Q. You have more power over the

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1 T. COOPER  
 2 question, please do so.  
 3 (Whereupon, the referred-to  
 4 question was read back by the  
 5 reporter.)  
 6 MR. SEIDENFELD: Objection.  
 7 A. I was never a manager. I can't  
 8 answer that.  
 9 Q. Did you supervise trainees?  
 10 MR. SEIDENFELD: Objection.  
 11 MR. BARTOLOMEO: Objection. Go  
 12 ahead and answer if you can.  
 13 A. I can't, because I never  
 14 supervised any.  
 15 Q. Were you assisting in managing  
 16 schedules when you were a dispatcher in  
 17 2014?  
 18 MR. SEIDENFELD: Objection.  
 19 MR. BARTOLOMEO: Objection.  
 20 A. Could you be a little more  
 21 specific, please?  
 22 Q. When you were a dispatcher in  
 23 2014, what were you doing?  
 24 A. I gave trainees schedules,  
 25 arranged transportation for trainees.

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1 T. COOPER  
 2 trainees, right?  
 3 MR. SEIDENFELD: Objection.  
 4 MR. BARTOLOMEO: Objection.  
 5 A. I never considered myself to have  
 6 any power, no.  
 7 Q. What's the differences between the  
 8 trainees and you being a dispatcher?  
 9 MR. SEIDENFELD: Objection.  
 10 A. The only difference is one was a  
 11 trainee and one is a staff member. Title.  
 12 That's it. Trainee, staff.  
 13 Q. But everyone is working for The  
 14 Doe Fund?  
 15 MR. SEIDENFELD: Objection.  
 16 MR. BARTOLOMEO: Objection.  
 17 A. I'm not going to answer that  
 18 because I'm not really sure what you're  
 19 asking me.  
 20 MR. BARTOLOMEO: Then tell her  
 21 that and ask her to rephrase.  
 22 A. I don't really understand what  
 23 you're asking me.  
 24 Q. Do trainees work for The Doe Fund?  
 25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
2 A. I guess you can say yes.  
3 Q. And as a staff member, you're also  
4 working for The Doe Fund?  
5 MR. SEIDENFELD: Objection.  
6 A. Yes.  
7 Q. As a Doe Fund staff member, what  
8 is your understanding of your obligations if  
9 a trainee tells you about potential sexual  
10 harassment?  
11 MR. SEIDENFELD: Objection.  
12 A. If a trainee told me?  
13 Q. Yes.  
14 A. Something about --  
15 Q. Not necessarily complaining about  
16 you, but complaining about someone sexually  
17 harassing them while they're at The Doe  
18 Fund. What's your understanding of your  
19 obligation as a Doe Fund staff member?  
20 MR. SEIDENFELD: Objection.  
21 MR. BARTOLOMEO: Objection.  
22 A. My obligation would be to take it  
23 to a higher authority.  
24 Q. When you worked at The Doe Fund,  
25 what was your primary means of communication

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1 T. COOPER  
2 A. A trainee? There was no need for  
3 a dispatcher to know a trainee's phone  
4 number. If a trainee was on a specific  
5 assignment, they would be handed a Doe Fund  
6 radio. So, staff members would reach out to  
7 that client through The Doe Fund's cellular.  
8 So, in other words, at no point would a  
9 staff member just be able to call a trainee.  
10 If we know what assignment he's on, we would  
11 call the radio that's for that specific area  
12 and that's how we would reach them. If we  
13 needed to reach them and they weren't  
14 picking up that phone, a supervisor that's  
15 actually out there in the field would go to  
16 them and let them know that dispatch or  
17 whatever is trying to reach you.  
18 Q. In general, is there a system  
19 where Doe Fund staff members can obtain a  
20 trainee's phone number if they needed to  
21 call them?  
22 MR. SEIDENFELD: Objection.  
23 A. When a trainee comes through  
24 intake, his personal file, they may be asked  
25 a phone number, but other than that, no, not

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1 T. COOPER  
2 between other employees?  
3 MR. SEIDENFELD: Objection.  
4 MR. BARTOLOMEO: Objection.  
5 A. Telephone, radio.  
6 Q. Did you use email too?  
7 A. Yes.  
8 Q. Was there some sort of directory  
9 to obtain phone numbers of the different  
10 staff members?  
11 MR. SEIDENFELD: Could you read  
12 back the question?  
13 (Whereupon, the referred-to  
14 question was read back by the  
15 reporter.)  
16 A. Each facility had facility  
17 directory. So, I guess you would say yes,  
18 we had -- in our offices there was a  
19 directory posted on the board.  
20 Q. Was there some sort of directory  
21 for trainees at The Doe Fund?  
22 A. No.  
23 Q. If you wanted to look up a  
24 trainee's phone number, was there a way to  
25 do that?

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1 T. COOPER  
2 that I know of.  
3 Q. Would that just be in a physical  
4 file?  
5 MR. SEIDENFELD: Objection.  
6 A. What do you mean?  
7 Q. Would the intake information just  
8 be in their physical file?  
9 A. Yes.  
10 Q. Could it also be electronically  
11 too?  
12 MR. SEIDENFELD: Objection.  
13 A. I have no idea.  
14 Q. Do you recall if you ever received  
15 updates to any of The Doe Fund's policies?  
16 MR. SEIDENFELD: Objection.  
17 A. I don't know.  
18 Q. What was The Doe Fund procedure to  
19 update their policies?  
20 MR. SEIDENFELD: Objection.  
21 A. I don't know.  
22 Q. Do you remember ever receiving  
23 emails that a policy has been changed?  
24 A. I don't know. I don't remember.  
25 It's been a while.

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1 T. COOPER  
 2 Q. When you were an employee at Gates  
 3 Ave. in 2016 until your termination, were  
 4 you aware of laws that prohibited  
 5 discrimination in the workplace?  
 6 MR. BARTOLOMEO: Objection.  
 7 A. Was I aware of what?  
 8 Q. Laws?  
 9 A. No.  
 10 Q. When you were a Doe Fund employee  
 11 in the period of 2014 to your termination,  
 12 were you aware of any laws prohibiting  
 13 sexual harassment in the workplace?  
 14 MR. SEIDENFELD: Objection.  
 15 MR. BARTOLOMEO: Objection.  
 16 A. No.  
 17 MS. O'CONNELL: Let's mark this  
 18 TC-6.  
 19 (Whereupon, a Trainee's Handbook  
 20 was marked as Plaintiff's Exhibit TC-6  
 21 for identification as of this date by  
 22 the Reporter.)  
 23 Q. I've handed you what's been marked  
 24 as TC Exhibit 6, Bates Stamped TDF149  
 25 through 153. I want you to take your time

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1 T. COOPER  
 2 Q. Going over documentation regarding  
 3 this case over the past, I don't know, few  
 4 months or years, do you recall any more  
 5 details about my client?  
 6 MR. SEIDENFELD: Objection.  
 7 MR. BARTOLOMEO: Objection.  
 8 A. No.  
 9 Q. Before my client made complaints  
 10 against you, what was the extent to your  
 11 interaction with him?  
 12 MR. SEIDENFELD: Objection.  
 13 A. Nothing. I don't -- I don't even  
 14 really remember the guy, so I can't even say  
 15 that there was any type of relationship or  
 16 that because I don't remember.  
 17 Q. Do you recall the investigation  
 18 that happened after my client made  
 19 complaints against you?  
 20 MR. SEIDENFELD: Objection.  
 21 A. No.  
 22 Q. What do you recall from that time  
 23 period?  
 24 MR. SEIDENFELD: Objection.  
 25 MR. BARTOLOMEO: Objection.

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1 T. COOPER  
 2 to look over this document, but do you  
 3 recognize it?  
 4 A. Vaguely. This is a Trainee  
 5 Handbook.  
 6 Q. Do you recall receiving a Trainee  
 7 Handbook when you joined The Doe Fund in  
 8 2007?  
 9 A. I don't remember.  
 10 Q. As a Doe Fund staff member, when  
 11 was the last time that you reviewed this  
 12 document?  
 13 MR. SEIDENFELD: Objection.  
 14 A. I don't remember.  
 15 Q. Did you receive any training on  
 16 the policies regarding trainees when you  
 17 were at The Doe Fund?  
 18 MR. SEIDENFELD: Objection.  
 19 A. Again, I don't remember.  
 20 Q. Do you recall the first time that  
 21 you met my client, Mr. Brooks?  
 22 A. No.  
 23 Q. What do you remember about him?  
 24 MR. SEIDENFELD: Objection.  
 25 A. Honestly speaking, nothing.

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1 T. COOPER  
 2 A. I don't recall anything.  
 3 MS. O'CONNELL: Can we take a  
 4 short break?  
 5 MR. BARTOLOMEO: Sure.  
 6 (Whereupon, at 12:28 P.M., a brief  
 7 recess was taken.)  
 8 MS. O'CONNELL: What was the last  
 9 question?  
 10 (Whereupon, the referred-to  
 11 question and answer were read back by  
 12 the reporter.)  
 13 Q. You've been saying that you don't  
 14 recall much about the time period in 2016  
 15 when my client brought claims of sexual  
 16 harassment against you. Is there anything  
 17 that you think would refresh your  
 18 recollection?  
 19 A. Actually, no.  
 20 Q. Your phone is going off. Do you  
 21 need to answer it?  
 22 A. Let me just look at it for one  
 23 second. No. Thank you.  
 24 Q. You went through the Federal  
 25 Complaint with your attorney recently?

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection.  
 3 A. Yes -- I don't know.  
 4 Q. Did you ever listen to a recording  
 5 taken by my client?  
 6 A. Yes.  
 7 Q. When's the last time you listened  
 8 to that?  
 9 A. Yesterday.  
 10 Q. Did that refresh your recollection  
 11 of certain facts that happened in 2016  
 12 regarding my client?  
 13 MR. BARTOLOMEO: Objection.  
 14 A. Not really.  
 15 MS. O'CONNELL: I'm going to play  
 16 a part of the recording. That one was  
 17 already in evidence, right?  
 18 MR. BARTOLOMEO: Of the -- I don't  
 19 know which one you're playing.  
 20 MS. O'CONNELL: Are you guys  
 21 stipulating to the two recordings or  
 22 no?  
 23 MR. BARTOLOMEO: No. You have the  
 24 witness right here to confirm.  
 25 MS. O'CONNELL: We are going to

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1 T. COOPER  
 2 A. Okay.  
 3 Q. Is that a yes?  
 4 A. I'm going to say yes, because like  
 5 I -- yes. We'll just say yes.  
 6 MR. BARTOLOMEO: Again, we don't  
 7 want you to guess.  
 8 A. I'm not guessing, but like I said  
 9 to you earlier, I don't really remember your  
 10 client. I don't remember any of them  
 11 clients just about. So, the conversation I  
 12 remember. So, that's why I'm going to say  
 13 yes, it was your client.  
 14 MR. BARTOLOMEO: If you don't  
 15 know, then --  
 16 MS. O'CONNELL: You can't --  
 17 MR. BARTOLOMEO: We don't want to  
 18 correct an honest answer here, so do  
 19 you know if that's her client or do you  
 20 not know that it's her client? Because  
 21 if you don't know, then say that. If  
 22 you do know, then say yes. That's all  
 23 we need. I don't need you to  
 24 speculate.  
 25 A. I'm just going to say I don't know

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1 T. COOPER  
 2 mark this recording as TC Exhibit 7.  
 3 (Whereupon, a Terry 1 recording  
 4 was marked as Plaintiff's Exhibit TC-7  
 5 for identification as of this date by  
 6 the Reporter.)  
 7 MS. O'CONNELL: We are now  
 8 listening to what's been marked as TC  
 9 Exhibit 7, which is a recording called  
 10 Terry and it is 12 minutes 44 seconds.  
 11 We will play the relevant portion.  
 12 (Whereupon the recording was  
 13 played.)  
 14 Q. Is this the recording that you  
 15 listened to yesterday with your attorney?  
 16 A. Yes, it is.  
 17 Q. Is that your voice on the  
 18 recording?  
 19 A. Yes, it is.  
 20 Q. Do you recall the interaction on  
 21 the recording?  
 22 A. Vaguely, yes.  
 23 Q. And that was my client on the  
 24 recording too, right?  
 25 MR. BARTOLOMEO: Objection.

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1 T. COOPER  
 2 because just by the voices. I recognize my  
 3 voice.  
 4 MS. O'CONNELL: In the future if  
 5 you want to make speaking objections,  
 6 we can take a break and you can talk to  
 7 your client.  
 8 MR. BARTOLOMEO: Sure. Fair  
 9 enough.  
 10 Q. Were your interactions with my  
 11 client at any time sexual?  
 12 A. No.  
 13 Q. Did you receive any indication  
 14 from my client that he wanted any sort of  
 15 sexual relationship with you?  
 16 A. No.  
 17 Q. Do you recall, at any time, my  
 18 client expressing that he lacked any  
 19 interest in a sexual relationship with you?  
 20 A. No, he never -- no. No.  
 21 Q. Do you recall why you went to my  
 22 client's bedroom that day?  
 23 A. Yes, because I was -- I told him  
 24 that I would let him know if I could switch  
 25 his work for him.

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1 T. COOPER  
 2 Q. And do you recall speaking with  
 3 him before you went to his bedroom that day?  
 4 A. Yes, I did.  
 5 Q. Where did that interaction take  
 6 place?  
 7 A. In my office.  
 8 Q. Do you recall what happened in the  
 9 office?  
 10 A. I mean he asked me to switch his  
 11 work and we just basically discussed that.  
 12 Q. Do you recall why my client wanted  
 13 his schedule to be changed?  
 14 MR. SEIDENFELD: Objection.  
 15 A. Yes. He wanted to be with his  
 16 family.  
 17 Q. At the time, did you think you  
 18 could make that happen for him?  
 19 MR. SEIDENFELD: Objection.  
 20 A. At that time I told him I would do  
 21 anything I could to try to make it happen,  
 22 but I couldn't promise him anything.  
 23 Q. If you were already discussing the  
 24 schedule changes in your office, why was it  
 25 necessary for you to go to the residents'

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1 T. COOPER  
 2 area where my client's bedroom was?  
 3 MR. SEIDENFELD: Objection.  
 4 MR. BARTOLOMEO: Objection. Go  
 5 ahead and answer.  
 6 A. As you heard in the tape, I needed  
 7 to know if I couldn't get him the days that  
 8 he actually wanted, if I could only get one  
 9 or the other, which one was he going to  
 10 accept. There was a time period. I had to  
 11 hurry up and do what I was going to do so I  
 12 could send it in. Once I hit submit and it  
 13 goes in, then it goes to someone else and  
 14 they do whatever they can do.  
 15 So, he wanted Saturday and Sunday.  
 16 If I couldn't get both days, it was either  
 17 you're going to have Saturday off or Sunday  
 18 off. Once I did he, he couldn't come back  
 19 to me and say I would rather have Sunday off  
 20 or I would rather Saturday. So, let me just  
 21 ask and make sure.  
 22 Q. Was there a deadline you were  
 23 facing to make that submission?  
 24 A. Yes.  
 25 Q. What was that deadline?

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1 T. COOPER  
 2 A. It had to be done immediately. It  
 3 should have been done already.  
 4 Q. Was there a certain time in the  
 5 future that was the hundred percent cutoff?  
 6 MR. SEIDENFELD: Objection.  
 7 A. I can't really same what time it  
 8 was. Like I said, I don't really remember  
 9 all these things, but I do recall the  
 10 schedule locks in the system at a certain  
 11 time and after that, once it's locked you  
 12 can't make any changes.  
 13 Q. This is a computer system?  
 14 A. Yes, but it's through the whole  
 15 company, not just Gates Avenue facility.  
 16 All of that's on the same thing. So, when  
 17 he asked -- requested that I try to change  
 18 his schedule, it was like a last minute  
 19 thing. So, I was trying to help him out  
 20 before it locked.  
 21 Q. In your office, did you have his  
 22 schedule on your computer? How were you  
 23 viewing his schedule in the system?  
 24 MR. SEIDENFELD: Objection.  
 25 A. Actually on the computer.

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1 T. COOPER  
 2 Q. Was the schedule pulled up during  
 3 that initial meeting in your office?  
 4 MR. SEIDENFELD: Objection.  
 5 MR. BARTOLOMEO: Objection.  
 6 A. I don't remember.  
 7 Q. If you were in such a rush to make  
 8 sure you met the deadline or cut off, why  
 9 couldn't you have just called my client?  
 10 MR. SEIDENFELD: Objection.  
 11 MR. BARTOLOMEO: Objection.  
 12 A. How was I going to call him?  
 13 Q. As a dispatcher, had you gone to  
 14 trainees' residents' quarters to discuss  
 15 their schedule changes before?  
 16 MR. SEIDENFELD: Objection.  
 17 A. I don't know.  
 18 Q. Normally did you?  
 19 MR. SEIDENFELD: Objection.  
 20 MR. BARTOLOMEO: Objection.  
 21 A. I don't know.  
 22 Q. How did you know which room my  
 23 client was in?  
 24 A. We have a board in every office  
 25 showing us where each resident sleeps.

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1 T. COOPER  
 2 Q. Just the room number and no other  
 3 information?  
 4 A. Their name and their room number.  
 5 Q. When you went to my client's  
 6 bedroom, was the door locked?  
 7 A. Yes.  
 8 Q. It was closed too?  
 9 MR. SEIDENFELD: Objection.  
 10 A. I don't know.  
 11 Q. Do you remember how close you were  
 12 standing to my client at the time when you  
 13 were in the bedroom?  
 14 A. No.  
 15 Q. Do you remember where my client  
 16 was in the bedroom when you entered?  
 17 A. No.  
 18 Q. Do you remember ever making  
 19 physical contact with my client when you  
 20 were in the bedroom?  
 21 A. No.  
 22 Q. Was anyone else in the bedroom  
 23 when you were discussing the schedule with  
 24 my client at that time?  
 25 A. No.

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1 T. COOPER  
 2 Q. Was there anyone else around that  
 3 you could recall?  
 4 MR. SEIDENFELD: Objection.  
 5 A. I don't know.  
 6 Q. Do you recall talking with your  
 7 hands when you were in the bedroom with my  
 8 client?  
 9 A. I don't remember.  
 10 Q. Is that something you kind of do  
 11 unknowingly?  
 12 MR. SEIDENFELD: Objection.  
 13 MR. BARTOLOMEO: Objection.  
 14 A. Yes, but I don't remember.  
 15 Q. Do you remember if you were  
 16 talking with your hands when you were in the  
 17 office several minutes before you went to  
 18 the bedroom?  
 19 MR. SEIDENFELD: Objection.  
 20 A. I don't remember.  
 21 Q. When you were in the office, do  
 22 you recall telling my client "I'm sorry, I  
 23 talk with my hands"?  
 24 A. I don't know.  
 25 Q. Do you recall why my client left

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1 T. COOPER  
 2 your office to go to his bedroom?  
 3 MR. BARTOLOMEO: Objection.  
 4 A. No.  
 5 Q. Did he say why he left the office?  
 6 A. I don't remember.  
 7 Q. From your office to my client's  
 8 bedroom, about how long would it take you to  
 9 get there?  
 10 MR. SEIDENFELD: Objection.  
 11 A. He was on the third floor. I  
 12 think it would take a few minutes because  
 13 it's three flights of steps.  
 14 Q. Would it take between two and  
 15 three minutes?  
 16 A. For some.  
 17 Q. Would it take two or three minutes  
 18 for you?  
 19 A. No.  
 20 Q. More time or less time?  
 21 A. Yes, more.  
 22 Q. Do you recall picking up my  
 23 client's phone when you were in the bedroom?  
 24 A. Actually, yes.  
 25 Q. Do you know why you picked it up?

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1 T. COOPER  
 2 A. Because it looked like it was on.  
 3 Q. Like he was on the phone?  
 4 A. Yes. It looked like the phone was  
 5 on. You know how you can look at the phone  
 6 and see the blank? It looked as if it was  
 7 on.  
 8 Q. At that time you didn't think you  
 9 were being recorded?  
 10 A. At that time, yeah, I started to  
 11 believe -- is the phone on or what?  
 12 Q. Then did you go to my client's  
 13 bedroom a second time also?  
 14 A. I don't know.  
 15 Q. Take your time.  
 16 A. I don't remember.  
 17 Q. Did you answer?  
 18 A. Yes, I did. I said I don't know.  
 19 Q. When my client went to your office  
 20 after he met you upstairs, did you think he  
 21 was recording you at that time?  
 22 A. I honestly don't know. I don't  
 23 know what I thought. I don't remember.  
 24 Q. If I played you that recording,  
 25 would it refresh your recollection?

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1 T. COOPER  
 2 A. Maybe.  
 3 MS. O'CONNELL: We'll mark this  
 4 Exhibit 8.  
 5 (Whereupon, a Terry 2 recording  
 6 was marked as Plaintiff's Exhibit TC-8  
 7 for identification as of this date by  
 8 the Reporter.)  
 9 MS. O'CONNELL: So, SC Exhibit 8,  
 10 this is Terry 2. I believe it's 7  
 11 minutes, 52 seconds. I'm going to play  
 12 a portion.  
 13 (Whereupon the recording was  
 14 played.)  
 15 Q. Do you recall this conversation?  
 16 A. Yeah.  
 17 Q. Is that your voice on the  
 18 recording?  
 19 A. Yes, it is.  
 20 Q. That's my client again, right?  
 21 MR. BARTOLOMEO: Objection.  
 22 A. That's the same person that I  
 23 heard before. I don't know if that's your  
 24 client.  
 25 Q. It sounded like a third voice in

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1 T. COOPER  
 2 the mix that we just listened to. Do you  
 3 remember who that was?  
 4 MR. SEIDENFELD: Objection.  
 5 A. No.  
 6 Q. Do you recall if that was a staff  
 7 member?  
 8 MR. SEIDENFELD: Objection.  
 9 A. I don't know whose voice that was.  
 10 So, I don't know if it was a staff member.  
 11 I don't know who it was.  
 12 Q. Now that I played you part of this  
 13 recording, do you recall thinking that  
 14 you're being recorded at that time?  
 15 MR. SEIDENFELD: Objection.  
 16 A. I don't know.  
 17 (Whereupon the recording was  
 18 played.)  
 19 Q. Do you recall what you said just  
 20 there? Did you hear it?  
 21 A. Yes, I did.  
 22 Q. What was it?  
 23 A. I said what's my appreciation.  
 24 Q. What did you expect your  
 25 appreciation to be?

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1 T. COOPER  
 2 A. The proper response was to be I'm  
 3 going to do what I'm supposed to do. That's  
 4 all I ever asked of all of them.  
 5 Q. What you were supposed to do is  
 6 assist in changing the schedule?  
 7 MR. SEIDENFELD: Objection.  
 8 A. What I expect from any trainee,  
 9 especially if I go out of my way to change  
 10 something, is go out there and do what  
 11 you're supposed to do. Make my glad that I  
 12 went the extra mile to help you.  
 13 Q. By the time that my client went to  
 14 your office the second time that day, the  
 15 schedule was already okayed in the system?  
 16 A. Well, it had been sent through. I  
 17 hadn't gotten a final. Once I send it in,  
 18 it doesn't come back in a couple of seconds,  
 19 couple of minutes, whatever that it's done,  
 20 but I've done all that I could do.  
 21 Q. Did you listen to any other  
 22 recordings besides these two?  
 23 A. I don't think so.  
 24 Q. Both of those conversations on the  
 25 two recordings we just listened to, they

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1 T. COOPER  
 2 took place the same day?  
 3 MR. BARTOLOMEO: Objection.  
 4 A. Yes. I think so, yes.  
 5 Q. Is there anything else that I can  
 6 do to refresh your recollection about events  
 7 that happened that day?  
 8 MR. SEIDENFELD: Objection.  
 9 MR. BARTOLOMEO: Objection.  
 10 A. No.  
 11 Q. After seeing my client in your  
 12 office that second time on the recording we  
 13 just listened to, Exhibit 8, do you recall  
 14 seeing him another time?  
 15 MR. SEIDENFELD: Objection.  
 16 Q. Do you need to take that?  
 17 A. No.  
 18 MS. O'CONNELL: Could you read  
 19 back the question?  
 20 (Whereupon, the referred-to  
 21 question was read back by the  
 22 reporter.)  
 23 A. I don't know.  
 24 Q. Do you recall what my client was  
 25 wearing that day?

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1 T. COOPER  
 2 A. No, I don't.  
 3 Q. Going back to the first recording  
 4 we listened to, Exhibit 7. After you were  
 5 finished with having the conversation in the  
 6 bedroom, do you recall where you walked to  
 7 after you the left the bedroom?  
 8 A. Back downstairs to my office.  
 9 Q. Do you recall where my client  
 10 went?  
 11 MR. SEIDENFELD: Objection.  
 12 A. He said he was going to take a  
 13 shower.  
 14 Q. And you went straight to your  
 15 office? You did not go to the bathroom?  
 16 A. I don't remember, but you pass the  
 17 bathroom going back towards my office, so...  
 18 Q. Back where the showers were?  
 19 A. Yes.  
 20 Q. I'm sorry, did you say you  
 21 remember seeing my client after you met him  
 22 the second time in your office?  
 23 MR. SEIDENFELD: Objection.  
 24 MR. BARTOLOMEO: Objection.  
 25 A. No.

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1 T. COOPER  
 2 Q. -- eleven?  
 3 MS. O'CONNELL: Yes.  
 4 Q. Did you read that?  
 5 A. Yes, I did.  
 6 Q. Do you recall seeing my client  
 7 that day?  
 8 A. Yes, I do.  
 9 Q. Did you talk to him at all?  
 10 A. Not at all.  
 11 Q. Do you disagree with what's  
 12 written in paragraph 97?  
 13 A. That I said this?  
 14 Q. Yes, did you say that?  
 15 A. No, I did not.  
 16 Q. Did you confront my client?  
 17 A. Not at all.  
 18 Q. Not at any time after he made the  
 19 allegation?  
 20 MR. BARTOLOMEO: Objection.  
 21 A. Not at all. Number one, why would  
 22 I say this to him? I had no knowledge of  
 23 what was going on at that point. None at  
 24 all.  
 25 Q. When did you first have knowledge

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1 T. COOPER  
 2 Q. Do you remember seeing my client?  
 3 A. No, I didn't say that. I don't  
 4 remember.  
 5 MS. O'CONNELL: Let's mark this  
 6 Exhibit 9.  
 7 (Whereupon, a Complaint was marked  
 8 as Plaintiff's Exhibit TC-9 for  
 9 identification as of this date by the  
 10 Reporter.)  
 11 Q. I'm handing you what's been marked  
 12 as Exhibit 9, which is the Federal Complaint  
 13 that my client filed. Do you recall seeing  
 14 this document?  
 15 A. Yes.  
 16 Q. When's the last time you read the  
 17 document?  
 18 A. Yesterday.  
 19 Q. Are you generally familiar with  
 20 what is written in the document?  
 21 MR. SEIDENFELD: Objection.  
 22 A. Yes.  
 23 Q. If you turn to paragraph 97, I  
 24 believe. Which is page --  
 25 MR. BARTOLOMEO: Eleven.

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1 T. COOPER  
 2 of it?  
 3 A. When I saw your client, I had just  
 4 gotten out of my car on my way into the  
 5 office to meet with HR and everyone. That's  
 6 when I found out what was going on. Up  
 7 until that point, I had no knowledge of what  
 8 was going on, so why would I say these  
 9 things to your client?  
 10 Q. Where were you getting out of your  
 11 car?  
 12 A. On Gates Avenue.  
 13 Q. Like parking on the street?  
 14 A. Yes.  
 15 Q. About how close to the entrance of  
 16 the building?  
 17 A. I don't know.  
 18 Q. So, there was no involvement of  
 19 coworkers attempting to separate the two of  
 20 you that day?  
 21 MR. SEIDENFELD: Objection.  
 22 MR. BARTOLOMEO: Objection.  
 23 A. What was there to separate?  
 24 Q. Is there anything else that you  
 25 recall from the days that the recordings

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1 T. COOPER  
 2 were made when you discussed the scheduling?  
 3 MR. SEIDENFELD: Objection.  
 4 MR. BARTOLOMEO: Objection.  
 5 A. No.  
 6 Q. And there's nothing I can do to  
 7 help refresh your recollection?  
 8 MR. SEIDENFELD: Objection.  
 9 MR. BARTOLOMEO: Objection.  
 10 A. No.  
 11 Q. To be clear, you never touched my  
 12 client's pants?  
 13 A. No.  
 14 Q. Never touched his groin?  
 15 A. No.  
 16 Q. And you never touched his penis?  
 17 A. No.  
 18 Q. Have you ever touched my client in  
 19 any way?  
 20 MR. SEIDENFELD: Objection.  
 21 A. No.  
 22 Q. Did you ever unintentionally touch  
 23 my client when you were speaking with your  
 24 hands?  
 25 MR. SEIDENFELD: Objection.

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1 T. COOPER  
 2 (Whereupon, at 1:29 P.M., a brief  
 3 recess was taken.)  
 4 MS. O'CONNELL: Let's mark this  
 5 Exhibit 10.  
 6 (Whereupon, a Brooks Complaint was  
 7 marked as Plaintiff's Exhibit TC-10 for  
 8 identification as of this date by the  
 9 Reporter.)  
 10 Q. I'm handing you what's been marked  
 11 as TC Exhibit 10. Do you recall ever seeing  
 12 this document?  
 13 A. No.  
 14 Q. Is this the first time that you've  
 15 seen this document?  
 16 MR. BARTOLOMEO: Just take a look  
 17 through it. Make sure you look at both  
 18 pages before you answer the question.  
 19 A. Actually, yes. I have seen this  
 20 before.  
 21 Q. When did you see it?  
 22 A. When HR called me to the office.  
 23 Q. So, the first time you learned of  
 24 the complaint they showed you --  
 25 A. Yes. This was the first time

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1 T. COOPER  
 2 MR. BARTOLOMEO: Objection.  
 3 A. I don't know.  
 4 Q. After the date that the recordings  
 5 were made and you assisted my client with  
 6 his schedule, did you ever make any other  
 7 changes to my client's scheduling?  
 8 A. No.  
 9 Q. At that time, did you know of any  
 10 other employees that had made any complaints  
 11 about my client?  
 12 MR. SEIDENFELD: Objection.  
 13 A. I don't know.  
 14 Q. Do you recall the investigation  
 15 into my client's claims?  
 16 A. No, I don't.  
 17 Q. During the investigation, did you  
 18 know that my client had any recordings?  
 19 MR. SEIDENFELD: Objection.  
 20 A. I wasn't aware of the  
 21 investigation, so how could I be aware of  
 22 it. So, the answer is no.  
 23 MR. BARTOLOMEO: Just give me 30  
 24 seconds.  
 25 MS. O'CONNELL: Okay.

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1 T. COOPER  
 2 knowing anything at all about this.  
 3 Everything hit me at the same time.  
 4 Q. Who, from HR, showed you this?  
 5 A. Eunice Gilmore.  
 6 Q. How did that conversation go?  
 7 MR. SEIDENFELD: Objection.  
 8 Q. What happened during this meeting  
 9 when she showed you my client's complaint?  
 10 A. They brought me in the office and  
 11 asked me, "Okay, Terry. I know you're  
 12 wondering why you haven't been working the  
 13 last days," bah, bah, bah, bah. "A trainee  
 14 made a complaint about you," and then they  
 15 handed me a copy of his complaint, asked me  
 16 to read over it and then they asked me some  
 17 questions in reference to it.  
 18 MS. O'CONNELL: Let's mark this  
 19 Exhibit 11.  
 20 (Whereupon, an Investigation was  
 21 marked as Plaintiff's Exhibit TC-11 for  
 22 identification as of this date by the  
 23 Reporter.)  
 24 Q. I'm handing you what's been marked  
 25 as TC Exhibit 11. It's Bates Stamped TDF169

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1 T. COOPER  
 2 through 171. Do you recognize this  
 3 document?  
 4 A. No, I was never given this.  
 5 Q. Did you see it at any time before  
 6 now?  
 7 A. Excuse me?  
 8 Q. Had you seen it at any time before  
 9 now?  
 10 A. No.  
 11 Q. Take your time and look through  
 12 the document, because I want to ask you some  
 13 questions.  
 14 A. Read it out loud?  
 15 Q. No, read it to yourself so you can  
 16 refresh your recollection of some facts  
 17 regarding the investigation.  
 18 MR. BARTOLOMEO: When you say  
 19 "facts," you mean someone else's  
 20 recollection of the facts. I don't  
 21 think we established that he's created  
 22 it -- I'm not sure those are actual  
 23 facts.  
 24 A. Okay.  
 25 Q. Did you have enough time to go

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1 T. COOPER  
 2 that you disagree with?  
 3 A. No.  
 4 MR. SEIDENFELD: Objection.  
 5 MR. BARTOLOMEO: Note my objection  
 6 as well.  
 7 Q. On page two, essentially the  
 8 middle of the document?  
 9 MR. BARTOLOMEO: What does the  
 10 sentence start with?  
 11 MS. O'CONNELL: It starts with  
 12 "Terry was asked why he would go  
 13 upstairs."  
 14 Q. Do you see that?  
 15 A. I have it.  
 16 Q. You said you didn't remember why  
 17 you went up the first time. It mentions  
 18 also a second time. Now seeing this  
 19 document, do you recall why you went up the  
 20 second time?  
 21 MR. SEIDENFELD: Objection.  
 22 MR. BARTOLOMEO: Objection. Go  
 23 ahead and answer if you can, Terry.  
 24 A. No.  
 25 Q. A few more paragraphs up, in bold,

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1 T. COOPER  
 2 through the document?  
 3 A. Yeah.  
 4 Q. Are you familiar with certain  
 5 aspects of the allegations that are  
 6 discussed in this document?  
 7 MR. SEIDENFELD: Objection.  
 8 MR. BARTOLOMEO: Objection.  
 9 A. Yes.  
 10 Q. Is it accurate?  
 11 MR. SEIDENFELD: Objection.  
 12 MR. BARTOLOMEO: Objection.  
 13 Accurate as to what?  
 14 Q. Are the questions and your answers  
 15 that happened during, I guess, this  
 16 investigation when you met these individuals  
 17 at the top, are the questions and answers  
 18 accurate?  
 19 MR. SEIDENFELD: Objection.  
 20 A. Based on what I can really  
 21 remember, but this is a while back so, I'm  
 22 not going to guess at anything, but based on  
 23 what I can remember, yeah. I guess so. I  
 24 just said I'm not going to guess.  
 25 Q. Is there anything specifically

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1 T. COOPER  
 2 it says, "I asked Terry was there anyone  
 3 else present when you were discussing these  
 4 changes," and you mentioned another trainee;  
 5 do you see that?  
 6 A. Yes.  
 7 Q. Does that seem accurate?  
 8 MR. SEIDENFELD: Objection.  
 9 A. No, it doesn't. No, not at all.  
 10 Q. Is it that you don't recall or you  
 11 disagree?  
 12 A. I disagree. I don't recall. I  
 13 don't even know that name. So, no.  
 14 Q. Then on the last page of the  
 15 document, under the section call Recap  
 16 regarding Terry's trips upstairs to  
 17 Gregory's room, I wanted to direct your  
 18 attention to, "Terry then states can I say  
 19 something?" Do you see that?  
 20 A. Yes.  
 21 Q. Do you recall your answer that is  
 22 recorded in this document?  
 23 MR. BARTOLOMEO: Objection.  
 24 Independent of this document, does he  
 25 recall giving that answer?

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1 T. COOPER  
 2 MS. O'CONNELL: Yes.  
 3 MR. BARTOLOMEO: Or does he  
 4 remember the answer as it appears on  
 5 the page now?  
 6 Q. Do you independently remember  
 7 this? Take your time.  
 8 A. I don't remember this, but it  
 9 sounds like I could say something like that,  
 10 but I don't really remember this.  
 11 Q. Do you disagree with your  
 12 response?  
 13 MR. SEIDENFELD: Objection.  
 14 MR. BARTOLOMEO: Objection. If  
 15 you don't understand, answer that way.  
 16 A. I don't really remember it, so I  
 17 don't want to disagree to it, because I  
 18 don't really remember everything I said,  
 19 so...  
 20 Q. At this time, would you agree that  
 21 you bring laughter to the building when you  
 22 worked at The Doe Fund?  
 23 MR. SEIDENFELD: Objection.  
 24 A. Sure.  
 25 Q. It says here, "Yes, I am loud, but

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1 T. COOPER  
 2 you would say?  
 3 A. I can't recall that, no.  
 4 Q. Do you recall if any of your jokes  
 5 were sexual in nature?  
 6 A. No. I'm going to say no.  
 7 Q. Then you say, "Now I have been  
 8 told to watch my hands, yes." Do you recall  
 9 saying something like that at the meeting?  
 10 A. I'll say yes. Yeah.  
 11 Q. Now that we've gone through  
 12 several documents, including this document,  
 13 do you recall who told you to watch your  
 14 hands?  
 15 A. No.  
 16 Q. Then continuing down in the  
 17 following paragraph starting with, "Do I  
 18 have a habit of touching people when I  
 19 talk?" Do you see that?  
 20 A. Yes, I see it.  
 21 Q. If you haven't read that, please  
 22 take the time to read it, but I just want to  
 23 know if that is a true statement.  
 24 MR. SEIDENFELD: Objection.  
 25 MR. BARTOLOMEO: The whole thing?

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1 T. COOPER  
 2 everyone knows that and I respect them." Do  
 3 you agree with that?  
 4 MR. SEIDENFELD: Objection.  
 5 A. Yes.  
 6 Q. You also said, according to this  
 7 document, "I take something like sexual  
 8 harassment very seriously." Do you agree  
 9 with that?  
 10 MR. SEIDENFELD: Objection.  
 11 MR. BARTOLOMEO: Objection.  
 12 A. Yes.  
 13 Q. And you say, also in this document  
 14 according to this document, "Everyone knows  
 15 I come in in the morning and I wake up  
 16 people with jokes." Is that a true  
 17 statement when you were working at The Doe  
 18 Fund, that you would come in in the morning  
 19 and wake people up with jokes?  
 20 MR. BARTOLOMEO: Objection.  
 21 A. Yes. Anything to get them up.  
 22 Q. You would go into their residents'  
 23 area and wake people up with jokes?  
 24 A. No, I be in the hallway.  
 25 Q. Do you recall what sort of jokes

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1 T. COOPER  
 2 MS. O'CONNELL: The paragraph.  
 3 A. Yes, that's true. Yes.  
 4 MR. BARTOLOMEO: Could we just  
 5 clarify what we're talking about, not  
 6 to be difficult?  
 7 MS. O'CONNELL: Do you want to  
 8 read it into the record?  
 9 MR. BARTOLOMEO: If you want to  
 10 read it into the record, that's fine.  
 11 Q. We're referring to the paragraph  
 12 that says, "Do I have a habit of touching  
 13 people when I talk? Yes, but even with  
 14 jokes if someone says 'Hey, Terry. Like  
 15 don't say that to me or don't joke around  
 16 with me like that? I apologize and that  
 17 won't ever happen again. They don't have to  
 18 worry about me because I'll be just like hi  
 19 and bye from that point."  
 20 MR. BARTOLOMEO: Does that change  
 21 your answer as to what you just agreed  
 22 with that you said was accurate?  
 23 A. No, that's accurate.  
 24 Q. Do you recall anyone that you  
 25 would be referring to?

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1 T. COOPER  
 2 A. No.  
 3 Q. Just in general?  
 4 A. Right.  
 5 Q. But it's happened before?  
 6 MR. SEIDENFELD: Objection.  
 7 A. No, this is just a general  
 8 statement.  
 9 Q. The next line down after that,  
 10 that says, "It was also asked has Terry ever  
 11 been accused of anything like this in the  
 12 past and he responded no." Why did you say  
 13 that answer?  
 14 MR. SEIDENFELD: Objection.  
 15 MR. BARTOLOMEO: Objection.  
 16 Q. Did you respond in that way in the  
 17 meeting?  
 18 A. I don't know.  
 19 MS. O'CONNELL: Let's mark this  
 20 Exhibit 12.  
 21 (Whereupon, a Letter of  
 22 termination was marked as Plaintiff's  
 23 Exhibit TC-12 for identification as of  
 24 this date by the Reporter.)  
 25 Q. I'm handing you what's been marked

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1 T. COOPER  
 2 as TC Exhibit 12, Bates Stamped TDF180. Do  
 3 you recall seeing this document?  
 4 A. Yes.  
 5 Q. What is it?  
 6 A. This was my Notice of Termination.  
 7 Q. Was there other aspects of the  
 8 investigation besides that?  
 9 A. Was there?  
 10 Q. Was there other aspects of the  
 11 investigation besides your interview going  
 12 on before you were terminated?  
 13 MR. SEIDENFELD: Objection.  
 14 MR. BARTOLOMEO: Objection.  
 15 A. I don't know. If it was, I wasn't  
 16 aware of it.  
 17 Q. On your part you were just  
 18 interviewed?  
 19 A. Yes.  
 20 Q. Were you on paid leave until you  
 21 were terminated?  
 22 A. Yes.  
 23 Q. Were you given the option to  
 24 resign?  
 25 A. No.

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1 T. COOPER  
 2 Q. How did this make you feel?  
 3 A. I felt bad. I did.  
 4 Q. Why?  
 5 A. Because I felt that everyone in  
 6 The Doe Fund, I had worked with each one of  
 7 them an amount of years and they knew me. I  
 8 laughed and joked with each and every one of  
 9 them and they pretty much had a good feel of  
 10 me and they know that any and everything  
 11 that I've done for any client that has  
 12 passed through my office, helped them. It  
 13 was to the better for them. I have parents,  
 14 wives calling me and thanking me. I  
 15 received flowers. Clients didn't forget my  
 16 birthday and things like that. So, to me  
 17 that spoke a lot about me and all of my  
 18 superiors, they saw this. They knew this,  
 19 and to have a client come in here and take  
 20 my personality and twist it and I was a  
 21 little disappointed. I was.  
 22 Q. When you say twisted, what do you  
 23 mean by twisted?  
 24 A. Make someone look at me  
 25 differently or think differently of me.

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1 T. COOPER  
 2 Prior to this, I don't think any of them  
 3 thought anything like this. That's it. I  
 4 don't have anything else to say.  
 5 Q. After that investigation, were you  
 6 ever back at the workplace?  
 7 MR. BARTOLOMEO: Objection.  
 8 A. No.  
 9 Q. Did you have access to any  
 10 computer system of The Doe Fund remotely?  
 11 A. No.  
 12 Q. Were trainees in The Doe Fund at  
 13 the time that you were working at the Gates  
 14 Ave. facility, was there a significant  
 15 number of trainees that were recently  
 16 incarcerated?  
 17 MR. SEIDENFELD: Objection.  
 18 MR. BARTOLOMEO: Objection. Go  
 19 ahead and answer.  
 20 A. I don't understand the question.  
 21 Q. When you were working at the Gates  
 22 Ave. facility, about what percentage of  
 23 trainees were recently incarcerated?  
 24 MR. SEIDENFELD: Objection.  
 25 MR. BARTOLOMEO: Objection.

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1 T. COOPER  
 2 Q. You can give a range, if that  
 3 helps?  
 4 MR. BARTOLOMEO: To the extent  
 5 that you can approximate, please do so.  
 6 A. I would say 75 percent.  
 7 Q. Were recently incarcerated?  
 8 A. Yes.  
 9 Q. And they know The Doe Fund is a  
 10 program that really helps these sort of  
 11 people, but would you say that for the  
 12 residents that were recently incarcerated,  
 13 they had a fear of returning back to prison?  
 14 MR. SEIDENFELD: Objection.  
 15 MR. BARTOLOMEO: Objection. To  
 16 the extent you can answer, go right  
 17 ahead.  
 18 A. I don't know. I can't speak for  
 19 them.  
 20 Q. When you were a trainee, did you  
 21 fear being incarcerated again?  
 22 A. Honestly, me? No.  
 23 Q. To your knowledge, does graduating  
 24 from the Ready Willing & Able Program help  
 25 trainees not return to prison?

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1 T. COOPER  
 2 recently incarcerated resident's conduct  
 3 within The Doe Fund, would that information  
 4 be passed to the parole officer or parole  
 5 system?  
 6 MR. SEIDENFELD: Objection.  
 7 MR. BARTOLOMEO: Objection.  
 8 A. I can't say. I don't know.  
 9 Q. Could it?  
 10 MR. SEIDENFELD: Objection.  
 11 MR. BARTOLOMEO: Objection.  
 12 A. I don't know.  
 13 Q. Did you work at any other Doe Fund  
 14 locations besides Porter Ave. and Gates  
 15 Avenue?  
 16 A. No, I haven't.  
 17 Q. Did you believe that my client was  
 18 financially dependent on continuing to be a  
 19 trainee with The Doe Fund?  
 20 MR. SEIDENFELD: Objection.  
 21 MR. BARTOLOMEO: Objection.  
 22 A. No, I have no idea.  
 23 Q. Do you believe that my client's  
 24 probation depended on his participation with  
 25 the Ready Willing & Able Program?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 A. I can't really say because nothing  
 4 has the same effect on everyone. So, that  
 5 might be the case with some individuals, but  
 6 maybe not with others. So, I can't really  
 7 say.  
 8 Q. Does the Ready Willing & Able  
 9 Program have any influence on the recently  
 10 incarcerated residents' parole terms?  
 11 MR. SEIDENFELD: Objection.  
 12 MR. BARTOLOMEO: Objection.  
 13 A. I can't say. I don't know.  
 14 Q. Do you know if there's any  
 15 communication between The Doe Fund and  
 16 recently incarcerated residents' parole  
 17 officers?  
 18 MR. SEIDENFELD: Objection.  
 19 A. When I was a trainee there, yes.  
 20 The parole officers were kept abreast of  
 21 everything going on with the trainees,  
 22 because they were their clients. So yeah.  
 23 I guess you can say the parole and The Doe  
 24 Fund, to a certain extent, were affiliated.  
 25 Q. If The Doe Fund complained of a

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 MR. BARTOLOMEO: Objection.  
 4 A. Again, I have no idea.  
 5 Q. At what point can trainees seek  
 6 outside employment?  
 7 MR. SEIDENFELD: Objection.  
 8 MR. BARTOLOMEO: Note my objection  
 9 as well.  
 10 A. At any point. From day one, if  
 11 they found on their own a job, it's  
 12 acceptable.  
 13 MR. BARTOLOMEO: Do you need to  
 14 take that?  
 15 THE WITNESS: Yes. Excuse me one  
 16 second, please.  
 17 (Whereupon, at 1:59 P.M., a brief  
 18 recess was taken.)  
 19 Q. Where are you working now?  
 20 A. Believe it or not, Amazon and --  
 21 that's the worst one. Amazon and I work at  
 22 a women's shelter.  
 23 Q. These are both in New Jersey or  
 24 New York?  
 25 A. New Jersey.

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1 T. COOPER  
 2 Q. Where's the Amazon location?  
 3 A. I'm in Avenel.  
 4 Q. What's the name of the women's  
 5 shelter?  
 6 A. It's under a service, Alternative.  
 7 Q. Alternative?  
 8 A. Yes. Out of curiosity --  
 9 MR. BARTOLOMEO: What is it?  
 10 THE WITNESS: I just wanted to ask  
 11 question.  
 12 MR. BARTOLOMEO: This is not the  
 13 time. You can ask when we're done and  
 14 off the record. Do you need to talk to  
 15 me about something? We can step  
 16 outside.  
 17 THE WITNESS: Yes, real quick.  
 18 (Whereupon an off-the-record  
 19 discussion was held.)  
 20 MR. BARTOLOMEO: I think you have  
 21 the full name, right? Is that the full  
 22 name?  
 23 A. Yes. Alternative.  
 24 Q. What's your position at Amazon?  
 25 A. At Amazon, I'm a picker.

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1 T. COOPER  
 2 Q. What's that?  
 3 A. God, you don't want to know. Just  
 4 what it says. A picker. I work at a fresh  
 5 fulfillment center where we actually pick  
 6 clients' orders, groceries.  
 7 Q. Are you a supervisor at that job?  
 8 MR. SEIDENFELD: Objection.  
 9 A. No.  
 10 Q. At Alternative, what's your  
 11 position there?  
 12 A. I'm a case manager.  
 13 Q. Since you've been terminated from  
 14 The Doe Fund, have you been terminated from  
 15 any other employment?  
 16 A. No.  
 17 Q. Have there been any other  
 18 allegations of sexual harassment made  
 19 against you since then?  
 20 MR. SEIDENFELD: Objection.  
 21 MR. BARTOLOMEO: Objection.  
 22 A. No.  
 23 Q. When you were working at The Doe  
 24 Fund, did you have knowledge of any of the  
 25 residents being sexually harassed in their

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1 T. COOPER  
 2 past?  
 3 MR. SEIDENFELD: Objection.  
 4 MR. BARTOLOMEO: Objection.  
 5 A. No.  
 6 Q. Did you have any knowledge of any  
 7 Doe Fund residents being sexually assaulted  
 8 in their past?  
 9 MR. SEIDENFELD: Objection.  
 10 MR. BARTOLOMEO: Objection.  
 11 A. No.  
 12 Q. While you were at The Doe Fund,  
 13 did you have any knowledge of recently  
 14 incarcerated residents being sexually  
 15 assaulted in jail?  
 16 MR. SEIDENFELD: Objection.  
 17 A. No.  
 18 Q. When you were in jail, were you  
 19 ever sexually assaulted?  
 20 A. No.  
 21 Q. Would you like to change any of  
 22 your prior answers?  
 23 A. No.  
 24 Q. Did you understand all of my  
 25 questions today?

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1 T. COOPER  
 2 MR. SEIDENFELD: Objection.  
 3 A. Yes.  
 4 MR. BARTOLOMEO: Note my objection  
 5 to the last question.  
 6 Q. Have you told me everything you  
 7 can about Mr. Brooks' claims today?  
 8 A. Yes.  
 9 Q. Is there anything that is  
 10 inhibiting your recollection today?  
 11 A. No.  
 12 Q. Is there any other documentation  
 13 that you can think of today that would  
 14 provide you additional information to better  
 15 answer my questions?  
 16 MR. SEIDENFELD: Objection.  
 17 MR. BARTOLOMEO: Objection.  
 18 A. No.  
 19 MS. O'CONNELL: Thank you.  
 20 MR. SEIDENFELD: No questions.  
 21 MR. BARTOLOMEO: No questions.  
 22 (Whereupon, at 2:11 P.M., the  
 23 Examination of this witness was  
 24 concluded.)  
 25 \* \* \*

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T. COOPER  
DECLARATION

I hereby certify that having been first  
duly sworn to testify to the truth, I gave  
the above testimony.

I FURTHER CERTIFY that the foregoing  
transcript is a true and correct transcript  
of the testimony given by me at the time and  
place specified hereinbefore.

TERRY COOPER

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

NOTARY PUBLIC

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T. COOPER  
CERTIFICATE

I, ROSANNE LEBOEUF, a Notary Public for  
and within the State of New Jersey, do  
hereby certify that prior to the  
commencement of the examination the witness  
was duly sworn.

I DO FURTHER CERTIFY that the foregoing  
is a true and accurate transcript of the  
testimony as taken stenographically by and  
before me at the time, place and on the date  
hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither  
a relative nor employee, nor attorney or  
counsel to any of the involved; that I am  
neither related to nor employed by such  
attorney or counsel, and that I am not  
financially interested in the outcome of the  
action.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 16th day of July 2018.

ROSANNE LEBOEUF  
ID No.: 2422296

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T. COOPER  
EXHIBITS

PLAINTIFF'S EXHIBITS:

EXHIBIT	EXHIBIT	PAGE
TC-1	2013 Incident Report	46
TC-2	Typed incident report	51
TC-3	Investigative report	66
TC-4	7/2013 written warning	75
TC-5	Employee handbook	83
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TC-7	Terry 1 recording	106
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TC-12	Letter of termination	137

(Exhibits retained by reporter. TC-7 and  
TC-8 were retained by counsel.)

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